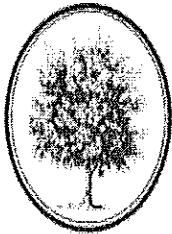


From: The Buckeye Institute
Sent: Tuesday, January 10, 2017 1:45 PM
To: Derksen, Nick
Subject: Have you heard the one about the Buckeye lawyers who fought city hall?*



THE BUCKEYE INSTITUTE

Contact: Daniel Dew, Criminal Justice Fellow
(614) 224-4422 or Daniel@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE

January 10, 2017

*Don't take city hall literally in this case. Your Buckeye Institute is actually taking on the entire federal government. And, unfortunately, this isn't a punch line to a bad lawyer joke either!

The Buckeye Institute Files Prominent Brief in U.S. Supreme Court to Protect First Amendment Rights--Vows to Fight Attempts to Silence Free Speech at All Costs

COLUMBUS, OHIO--On Tuesday, The Buckeye Institute filed a legal brief with the United States Supreme Court in an all-out legal battle to keep you, our dear friends/investors/supporters, off a government list.

Besides our inherent distaste for government lists on principle, the particular list at issue here violates your First Amendment rights. This list will be used to intimidate you for partnering with Buckeye and other organizations of your choosing.

Here is the backstory: the federal government is going after one of our sister think tanks--Independence Institute in Colorado--and trying to compel it to produce its donor list. Those of you who have been with Buckeye for a while know that our own response to the same

inquiry by IRS agents was a pretty forceful "not one damn name" during our own politically-motivated audit 3 years ago.

We didn't give a single name from our list to the government then, and we aren't about to stand by while the government tries to force our good friends in Colorado doing solid policy work there to give in either.

In fact, The Buckeye Institute joined with State Policy Network to lead the coalition of 24 state-based policy organizations in fighting this unconstitutional effort to erode your ability to speak freely and give in privacy to the causes and organizations you believe in.

The government claims that because an ad by Independence Institute referenced specific candidates within 60 days of the election, the Bipartisan Campaign Reform Act requires Independence Institute to disclose its entire list of donors to the government.

After all, the government would never misuse or abuse a list of people who donate to a cause with which it disagrees, *right?* Unfortunately, at The Buckeye Institute we know all too well what the government can do with a list (*cough, ahem, Lois Lerner, cough*).

501(c)(3) organizations, like yours truly here, are limited by IRS rules and regulations from advocating for or against political candidates. However, when educating the public on good and bad policy, it is nearly impossible to do so without mentioning the names of those who make the good or bad policies into law.

The ad in question did not advocate for or against any candidates; it just referenced them by name.

Anonymity is a pillar of free speech that your Buckeye Institute will continue to fight for. Without anonymity or privacy, an oppressive majority can intimidate people and organizations into silence--a hallmark of tyranny.

At Buckeye, we will continue to do everything in our power to keep you off of a government list for exercising your God-given and constitutionally recognized right to free

speech. Your support of The Buckeye Institute or any other causes you believe in is your own business, and we will not report your donation to the government. (Remember the media shock at the number of people who voted for Trump? There is a good reason we have secret ballots and don't make it public record whom you supported for president either.)

If you'd like to read our awesome brief in full, be forewarned. While our amazing attorney-in-chief and president Robert Alt swears it is a page-turner, we would strongly advise you to have some coffee first. It was written by some impressive legal minds representing you extraordinarily well at the highest court in the land, and we just want you to have the energy necessary to stick with it to the end. We aren't Alabama around here. We finish strong. Enjoy!

#

BACKGROUND: Founded in 1989, The Buckeye Institute is an independent research and educational institution--a think tank--whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.

The Buckeye Institute, 88 E. Broad Street, Suite 1120, Columbus, OH 43215

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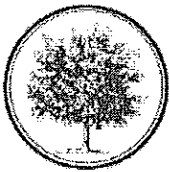
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Sent by info@buckeyeinstitute.org

From: The Buckeye Institute
Sent: Friday, May 5, 2017 6:50 AM
To: Derksen, Nick
Subject: Buckeye, Fighting to Protect the U.S. Constitution

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THE BUCKEYE INSTITUTE

The **Red Tape Rollback** campaign, which **The Buckeye Institute** is a proud partner of, is defending the U.S. Constitution and ensuring that unaccountable government bureaucrats aren't imposing burdensome regulations on citizens.

As a part of this campaign, the **Pacific Legal Foundation** is defending the Congressional Review Act in the case *Center for Biological Diversity v. Zinke*. You can read their news release below and learn more about Red Tape Rollback campaign at www.redtaperollback.com.

PLF STEPS UP TO DEFEND CONGRESSIONAL REVIEW ACT IN COURT

*As a leading CRA champion, PLF will litigate against an
environmental group's confused constitutional challenge*

Anchorage, Alaska; May 4, 2017: Pacific Legal Foundation has just stepped forward to defend the Congressional Review Act (CRA), the 1996 statute that allows Congress to rein in bureaucracies by voiding harmful regulations.

PLF is the first of two groups to move to intervene against a federal lawsuit by an environmental activist group - the Center for Biological Diversity - which claims, astonishingly, that Congress and the president violate the Constitution when they pass a law that rescinds a bureaucracy's regulation. With its motion to intervene, PLF has also filed a motion to dismiss the lawsuit, arguing that CBD's challenge has no basis in the Constitution, the Congressional Review Act, or court precedent and should be immediately bootied out of court. PLF is the only group in the litigation that has sought a dismissal.

"CBD's lawsuit seeks to turn the Constitution on its head, placing unelected, unaccountable bureaucrats above Congress," said PLF attorney Jonathan Wood. "Under our Constitution, administrative agencies only have power that Congress chooses to delegate to them. Congress is free to limit its delegation of power as it sees fit. What Congress gives, it can take away, or curtail. Using the Congressional Review Act to strike down an agency's regulatory decrees is an example of that constitutional principle in action."

Under the CRA, agencies must submit every rule they adopt to Congress for review. Congress then has a brief time to use expedited procedures to enact a resolution of disapproval and send it to the president for his signature. Congress and President Trump have used the CRA 13 times to void Obama Administration rules. CBD's lawsuit focuses on the rescinding of a regulation against hunting and trapping of predator species in Alaska's national refuges - a restriction that interfered with the state's ability to manage wildlife and outlawed responsible hunting practices, undermining opportunities to responsibly hunt for food or pursue income from guided hunts.

In seeking to intervene in *Center for Biological Diversity v. Zinke*, in defense of the CRA's constitutionality, PLF represents itself along with several key hunting organizations and individuals. They include: Alaska Outdoor Council, Big Game Forever, and Alaska Master Guides Kurt Whitehead and Joe Letarte, both of whom also hunt in their personal time.

CRA is fully consistent with the Constitution

"Schoolhouse Rock has taught generations of children how a bill becomes a law under the Constitution," said Todd Gaziano, PLF's DC Director and Senior Fellow in Constitutional Law, as well as the director of PLF's Red Tape Rollback project. "CBD could use a refresher. When a majority of both houses of Congress pass a bill disapproving an agency rule and the president signs it, we call that a law, and this applies as much to legislation passed under the CRA as to any other form of legislation. Laws enacted using the Congressional Review Act's procedures are fully consistent with the Constitution."

PLF's intervention in this litigation reflects its established role as a leading CRA champion. The Red Tape Rollback project, founded and overseen by PLF, is a multipronged program to educate Congress and the public on dynamic ways to deploy the CRA against regulatory overreach. A significant coalition of think tanks and public interest groups has joined this project, including The Club for Growth, The Heritage Foundation, The Buckeye Institute, Competitive Enterprise Institute, and State Policy Network as Founding Partners; and Cause of Action Institute, R Street, Independent Women's Forum, and Center of the American Experiment as Partners.

"The Congressional Review Act is essential to restoring our elected representatives to their proper role overseeing the administrative state," Gaziano said. "As the foremost independent advocate for strategic use of the CRA, and as a leading litigator against regulatory abuses by the administrative state in general, PLF brings a unique interest and expertise to this litigation. For this reason, PLF's intervention is more than appropriate - it is essential."

The case is *Center for Biological Diversity v. Zinke*.

Case Documents

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- [Motion to Dismiss](#)
- [Declaration of Gaziano for PLF](#)

About Pacific Legal Foundation

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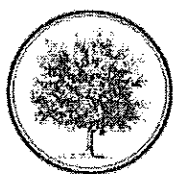
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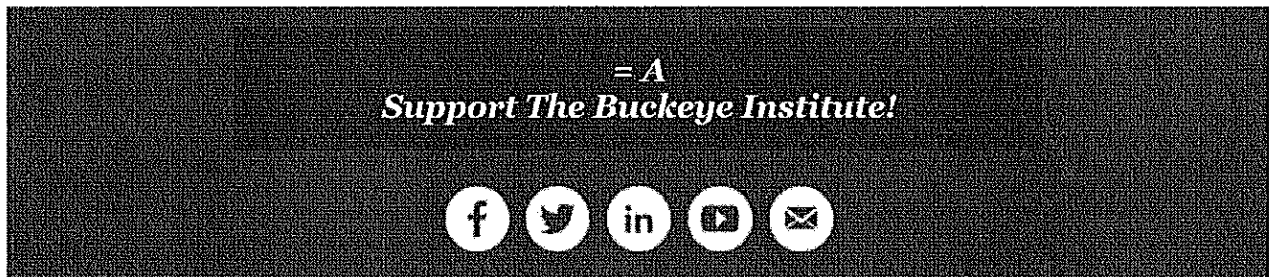
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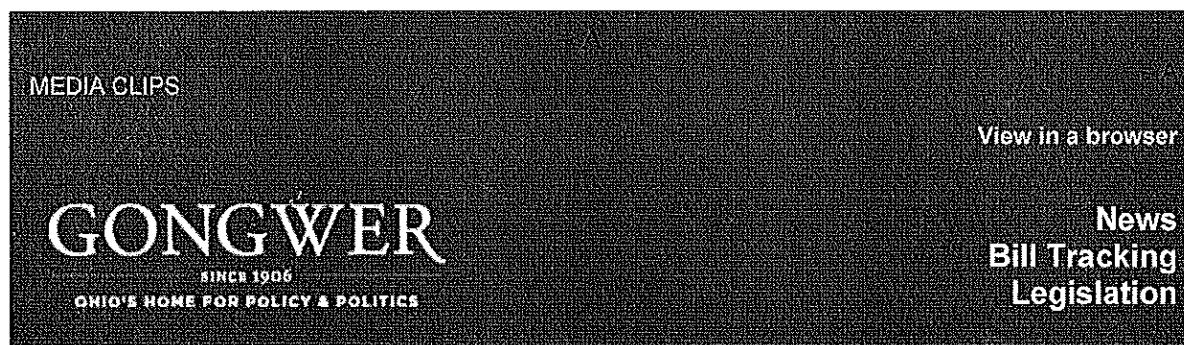
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NEWS

Senate Republicans' budget proposal boosts funding to fight opioid crisis, saves money through administrative streamlining (Akron Beacon Journal, 6/13/2017)

Ohio agency granted adjustments to no-bid contract process (Associated Press, 6/13/2017)

Ohio board to online charter school: Pay back disputed \$60M (Associated Press, 6/13/2017)

Ohio grants Intralot unbid \$71M lottery contract, extensions (Associated Press, 6/13/2017)

Senate budget closes \$1B gap, adds \$6M for opioid crisis (Associated Press, 6/13/2017)

This Ohio paper endorsed Trump. And now? (Cincinnati Enquirer, 6/13/2017)

Would your school lose or gain money under Senate GOP plan? (Cincinnati Enquirer, 6/13/2017)

Americans for Prosperity targets Sen. Sherrod Brown in new digital ad campaign (Cleveland Plain Dealer, 6/13/2017)

No more art, music and gym tests just to grade teachers? How Ohio could change testing under new proposal (Cleveland Plain Dealer, 6/13/2017)

Ohio Senate budget plan seeks deeper cuts: Ohio Politics Roundup (Cleveland Plain Dealer, 6/13/2017)

President Donald Trump nominates Cleveland lawyer Justin Herdman to be new U.S. attorney (Cleveland Plain Dealer, 6/13/2017)

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State agencies, Medicaid take brunt of \$1 billion budget cut proposed by Senate GOP (Cleveland Plain Dealer, 6/13/2017)

State superintendent proposes cuts in Ohio's state tests (Cleveland Plain Dealer, 6/13/2017)

ECOT ordered to repay \$60 million for inflating attendance (Columbus Dispatch, 6/13/2017)

Justices uphold Ohio commercial tax (Columbus Dispatch, 6/13/2017)

Lawmakers OK new state contracting rules requiring competition (Columbus Dispatch, 6/13/2017)

Husted announces statewide campaign operations (Dayton Daily News, 6/13/2017)

Ohio Senate leaders say state facing \$1B budget gap (Dayton Daily News, 6/13/2017)

Ohio wins Supreme Court case on business tax (Dayton Daily News, 6/13/2017)

Ohio Senate cuts lead plan from budget (Toledo Blade, 6/13/2017)

EDITORIALS

Will Ohio close its 'rent gap'? (Akron Beacon Journal, 6/13/2017)

Talk it out: Should low-level drug dealers do time in prison? (Cleveland Plain Dealer, 6/13/2017)

Editorial: Protect kids from 'silent' poison (Columbus Dispatch, 6/13/2017)

Release pipeline protest reports (Toledo Blade, 6/13/2017)

Destruction of public records is wrong answer to a real problem (Youngstown Vindicator, 6/13/2017)

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ROTUNDA INSIDER

Wednesday, August 2, 2017

Renacci, Husted at Odds over Campaign Donation through PAC

Following a report from the *Columbus Dispatch* saying U.S. Rep. Jim Renacci funneled federal campaign money to his state campaign for governor through a PAC, the Renacci campaign has denied any legal wrongdoing, while Secretary of State and fellow gubernatorial candidate Jon Husted characterized the donation as improper.

<http://www.dispatch.com/news/20170802/renacci-campaign-denies-improper-contribution-to-gubernatorial-campaign>

DeWine Won't Participate in Upcoming GOP Gubernatorial Debate

Ohio Attorney General Mike DeWine announced Wednesday that he will not be attending a debate organized by Americans for Prosperity featuring the four Republican candidates for Ohio governor, saying it's too early in the race. Though a downtown Columbus venue and moderators have been selected, DeWine's refusal could prompt recusals from the other three.

http://www.cleveland.com/open/index.ssf/2017/08/mike_dewine_passes_on_republic.html#incart_river_index

Issue 2 Supporters Weigh Legal Action on Opponents' Campaign Finance Report

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Proponents of Issue 2 say they will be filing a complaint with the state following the release of a campaign finance report from the issue's opponents that shows all contributions came from a single LLC.

Cleveland.com reports proponent spokesman Dennis Willard voiced a need for greater transparency, and attorneys are exploring other possible legal actions.

http://www.cleveland.com/open/index.ssf/2017/08/issue_2_supporters_question_cr.html#incart_river_index

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ROTUNDA INSIDER

Friday, August 4, 2017

Additional \$60K Donation Refund Possible by Householder

Following Rep. Larry Householder's (R-Glenford) \$70,000 refund to the Summit County Republican Party, the *Columbus Dispatch* reports he may have to return an additional \$60,000 donation made by the Cuyahoga County Republican Party. A memo issued by House Speaker Cliff Rosenberger (R-Clarksville) indicates state legislative campaigns may not accept more than \$12,708 from an individual county party unless the candidate's district is located within that county.

<http://www.dispatch.com/news/20170803/householder-may-have-to-return-more-improper-campaign-cash>

GOP Gubernatorial Debate Cancelled; Taylor Voices Frustrations

Following recusals from Mike DeWine and Jon Husted, the expected Republican gubernatorial debate in Columbus organized by Americans for Prosperity has been cancelled, and The *Columbus Dispatch* reports Lt. Governor Mary Taylor is unhappy with the decision. Taylor said she is "appalled by the decision to postpone the first debate."

<http://www.dispatch.com/news/20170803/mary-taylor-ticked-at-other-gop-candidates-for-skipping-debate>

Big Unknown for Ohio Dems: Will Cordray Run?

The *Springfield News-Sun* asks the question on the minds of many Ohio Democrats: will U.S. Consumer Financial Protection Bureau chief Richard Cordray run for Ohio governor? Given his history as state attorney general and state treasurer, the *News-Sun* says he could fare well in a primary battle. According to former State Rep. Mike Curtin (D-Marble Cliff), Cordray is being "extremely careful about whatever federal rules he is under regarding not engaging in politics."

<http://www.springfieldnewssun.com/news/state--regional-govt--politics/all-eyes-one-democrat-yet-make-decision-run-for-governor/TdjgWCr782BI46X3nRFm2I/>

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Sent: Friday, May 11, 2018 8:50 AM
To: Thomas, AJ
Subject: Deconstructing the Administrative State Luncheon
Attachments: Deconstructing Admin State Lunch Invite.pdf

Hello! Had enough of bureaucracy? Tired of all the red tape? Concerned about rogue agencies seemingly operating impervious to oversight? I am, too!

A wise man once said, "There is no such thing as a free lunch," but he was wrong!

On Wednesday May 23rd there will be a panel discussion of HB580 featuring the American Principles Project's Erin Tuttle, Greg Lawson of The Buckeye Institute, and Micah Derry of Americans for Prosperity. It will be moderated by Representative Andy Thompson. There will also be a free lunch provided by the parties in question.

House Bill 580, adds oversight and transparency to Ohio executive agencies' applications for federal grants, in an effort to control the rise of the administrative state. The discussion will include how the bureaucracy of our federal and state governments has grown over time, and how this administrative growth has specifically hurt the State of Ohio through federal grants and mandates. We will discuss how HB580 will help address the problem we have with a rising administrative state, and institute oversight via the executive branch.

WHERE: 31st Fl. North Room

WHEN: Wednesday May 23rd from 11:00-12:15

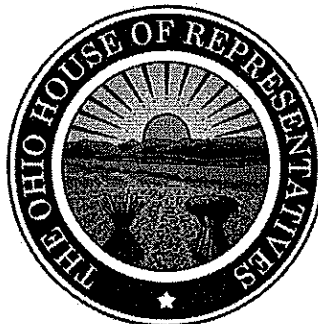
WHO: All Members and Staff are invited

Please RSVP to AJ Thomas (AJ.Thomas@ohiohouse.gov) by Friday May 18th so we may have a count for lunch.

We hope to see you there!

Andrew M. Thompson

Andy Thompson
State Representative
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Subj: Deconstructing the Administrative State Panel Discussion and Luncheon

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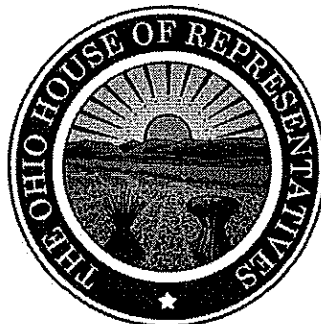
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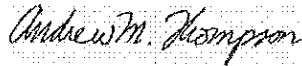
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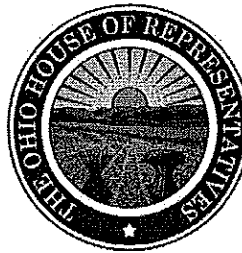
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Andy Thompson
State Representative
House District 95



THE BUCKEYE INSTITUTE



AMERICANS FOR PROSPERITY

From: Max.Behlke@ncsl.org
Sent: Monday, May 14, 2018 1:46 PM
To: Derksen, Nick
Subject: Cap to Cap: SCOTUS: States Can Legalize Sports Betting

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CapitoltoCapitol

NATIONAL CONFERENCE *of* STATE LEGISLATURES



May 14, 2018

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First Lady Melania Trump Unveils "Be Best"

New Leadership and Opportunity to Address Student Homelessness

SCOTUS: States Can Legalize Sports Betting

The U.S. Supreme Court ruled in favor of the states and struck down a 25-year-old federal law known as the Professional and Amateur Sports Protection Act (PASPA). Earlier today, the court voted 6-3 in favor of the state of New Jersey in *Murphy v. National Collegiate Athletic Association*, formerly known as *Chris Christie v. NCAA*, declaring PASPA unconstitutional as violative of the 10th Amendment.

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NCSL, along with other national organizations that represent state and local officials, filed an *amicus brief* in support of New Jersey. NCSL released a statement applauding the Supreme Court ruling saying, "NCSL supports every state's right to regulate gaming and sports betting, including both legalization and prohibition, without unwarranted federal preemption and interference." New Jersey can now move forward with its plan to legalize wagering, while other states will have the opportunity to alter their existing bans to allow for sports betting.

NCSL Contacts: Ethan Wilson

White House Looks to Rescind \$15 Billion in Federal Spending

This past week, the White House released proposed rescission cuts covering 38 different programs and totaling over \$15 billion. The administration released a statement saying, "At the direction of President Trump, the Office of Management and Budget has worked diligently to identify wasteful and unnecessary spending already approved by Congress." Now Congress has 45 days to consider the package, which also freezes the

proposed funding programs until a decision is made. Unlike regular spending bills, rescissions packages only require a simple majority in both chambers for passage.

What's in the rescission package?

- Nearly half of the rescission cuts come from two accounts related to child health care: a **\$5.1 billion cut to the Children's Health Insurance Program (CHIP)** and a **\$1.9 billion cut to the Child Enrollment Contingency Fund**. The cuts would include \$3.1 billion in unobligated CHIP funds from FY17, \$2 billion in recovery funds from the Medicare Access and CHIP Reauthorization Act of 2015, and \$1.865 billion from the \$2.4 billion available in the Child Enrollment Contingency Fund.
- **\$800 million cut to the Center for Medicare & Medicaid Innovation:** The cut would rescind funds authorized under the Affordable Care Act from fiscal years 2011-2019. The center was created to try new payment and service delivery models that could reduce expenditures under Medicare, Medicaid and the Children's Health Insurance Fund (CHIP). The administration has said these funds are more than the amounts that would be needed to carry out planned activities for FY2018 and FY2019.
- **\$4.3 billion from the Advanced Technology Vehicle Manufacturing Loan Program,** = Aan Energy Department program that supports the development of advanced technology vehicles and hasn't made a loan since 2011.
- Remaining rescissions come from a variety of government funds and grants across departments including railroad unemployment insurance programs, Ebola response account, Hurricane Sandy funds that states haven't claimed and more. Additional info can be [found here](#).

While rescission packages only require a simple majority, and are not subject to a Senate filibuster, there is a large amount of uncertainty that it will pass. While it is expected to easily coast through the House with Republican support, the Senate will be a different story. A number of Senate Republicans have already expressed their disinterest in the proposal and in order to pass, Republicans can't afford to lose a single vote while Arizona Senator John McCain is home recovering from a recent cancer treatment. Nonetheless, Congress can expect to see more rescission packages coming from the White House as they have stated that this is the first of many to come. A second rescission request in the coming weeks will attempt to claw back funding from the recently passed omnibus bill.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

House to Vote Wednesday on Farm Bill

On Wednesday, the House will consider H.R. 2, the Agriculture & Nutrition Act of 2018 more commonly known as the House's 2018 Farm Bill. The bill reauthorizes several key agriculture and nutrition programs for five years, through fiscal year 2023. The Congressional Budget Office estimates \$867 billion in total farm bill spending, which includes nutrition, crop insurance, conservation and other farm programs. The bill contains 11 titles with the major themes and changes impacting states, which are detailed in NCSL's analysis of the legislation.

Wednesday's vote will be close, given that the legislation, as currently drafted, has been vocally criticized by House conservatives and House Democrats, albeit for different reasons. Members of the House Freedom Caucus, three dozen of the most conservative members of the House, as well as conservative groups, including Heritage Action and Americans for Prosperity, have criticized the farm subsidies as an unfair benefit to wealthy farms and large agricultural businesses. Democrats have overwhelmingly opposed the current legislation as it imposes new work requirements on five to seven million people who are enrolled in the Supplemental Nutrition Assistance Program (SNAP). Without Democratic support, several members of the Freedom Caucus will need to vote for the legislation for it to pass. Even if it passes, the House legislation is likely D.O.A. in the Senate, which is currently drafting its own Farm Bill.

On the other end of Pennsylvania Avenue, President Donald Trump has signaled that he will veto any legislation that does not impose stricter work requirements on SNAP recipients. However, the work requirements are the most controversial aspect of the legislation and it is unlikely that changes to the program will pass the Senate.

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NCSL's analysis of the House Farm Bill

NCSL Contacts: Abbie Gruwell (SNAP), Ben Husch (Agriculture)

DYK? Four states—Kentucky, Massachusetts, Pennsylvania, and Virginia—call themselves commonwealths. The distinction between a commonwealth and a state is in name only as there is no difference in their relationship to the nation as a whole.

So why are they called commonwealths? Mostly because of the preference of their founders. For example, in Massachusetts, the term commonwealth was preferred by a number of political writers in the years leading up to 1780, when the Massachusetts constitution officially designated the state as such. The preference is believed to have existed perhaps because there was "some anti-monarchial sentiment in using the word commonwealth."

House Approves 2018 FAA Reauthorization Act

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On April 27, the House of Representatives approved, 393-13, H.R. 4, the Federal Aviation Administration (FAA) Reauthorization Act of 2018. The bill would reauthorize FAA programs and the federal aviation taxes that fund FAA programs and operations for five years through Sept. 30, 2023. The prior reauthorization expired in September 2015, which has resulted in five short-term extensions. For more detailed information on what the bill includes, see NCSL's Information Alert.

NCSL Contacts: Ben Husch, Kristen Hildreth

Net Neutrality Vote This Wednesday

Senate Democrats filed a discharge petition last week in order to force a vote to save the Federal Communication Commission's (FCC) net neutrality rules from repeal. A discharge petition would use authority under the Congressional Review Act to nullify the FCC's vote this past December to roll back the rules. These rules explicitly banned blocking, throttling, and paid prioritization by internet providers, but were reversed by a new set of guidelines introduced by FCC Chairman Ajit Pai.

To pass, the resolution will need a simple majority in both chambers. The Senate will vote this Wednesday and the chances of receiving 51 votes looks promising. Although, the bill is said to be dead on arrival in the Republican-controlled House. While the resolution has little chance of becoming enacted, Democrats plan to make their support for net neutrality regulations a popular campaign issue in the upcoming midterm elections.

NCSL Contact: Danielle Dean

Secretary DeVos Approves the ESSA Plans of South Carolina, Virginia, Alabama, Colorado and Kentucky

As of May 11, the U.S. Department of Education announced the approval of South Carolina, Virginia, Alabama, Colorado and Kentucky's Every Student Succeeds Act (ESSA) state plans. Each state is tasked with developing an ESSA plan unique to the needs of their students. To date, 44 state and territory plans have now been approved. Education Secretary Betsy DeVos applauded the states and reiterated the need to "use these plans as a starting point, rather than a finish line, to improve outcomes for all students."

South Carolina's plan includes a total of nine ways a student's college and career readiness may be measured. The varied metrics enable students to take advantage of the world class knowledge and skills of the Profile of the South Carolina Graduate. South Carolina's plan also includes a student engagement survey, giving each respective student a voice in the accountability system. "South Carolina's ESSA plan embodies our vision that every graduate is prepared for success in college, career and citizenship," said South Carolina Superintendent of Education Molly Spearman.

Virginia's plan includes chronic absenteeism and the Standards of Accreditation Rating indicator as new methods to measure quality and student success. The approved ESSA plan also sets forth processes intended to support and improve the academic growth and English learner progress of identified schools. Virginia's ESSA plan "reflects the state's mission to increase student learning and academic achievement," said Virginia's Acting Superintendent of Public Instruction Steven M. Constantino.

Alabama's plan includes a framework to join with local education agencies to enhance early learning and improve alignment of early learning programs from birth through third grade. The approved plan also includes the creation of the Legislative School Performance Recognition Program, in which the state will use state-authorized assessments and key performance indicators to profile a school, school system or both entities.

Colorado's plan includes the creation of the ESSA Application for School Improvement, intended to provide schools identified for Comprehensive and Targeted Support and Improvement with access to services and funding that supports their unique needs. "We have used this process to re-engage with many of our schools, districts, and stakeholders across the state over the last two years to get feedback on the how our current system is working. The conversations were deep and very helpful to the department and other stakeholders as

we work collectively to leverage ESSA to improve outcomes for our highest need students in Colorado", says Colorado's Education Commissioner Kathy Anthes.

Kentucky's approved ESSA plan includes goal setting related to achievement gaps: cutting the achievement gap for each student group in half by 2030 and increasing the graduation rate for all students and each student group. The plan also acknowledges 2017-2018 as a transition year, in which performance on indicators will be used to determine low-performing schools and whether targeted support and improvement or comprehensive supported and improvement will be provided. Systems will be fully implemented during the 2018-2019 school year, leading up to one to five-star designation for a school or district. Schools that reflect noteworthy achievement gaps will not qualify for earning the highest ratings. "Schools and districts will be held to a higher level of accountability under this plan. Raising the bar is essential if Kentucky is to make the strides in student performance we intend to make," said Kentucky's interim Education Commissioner Wayne Lewis.

A complete list of state plans, both approved and pending.

NCSL Contacts: Joan Wodiska, Miranda McDonald

DYK? Just in time for the MLB All-Star Game at Nationals Park in Washington, D.C., this summer, the Library of Congress will feature an exhibition about the origins and history of baseball. The handwritten "Laws of Base Ball," which historians have called the "Magna Carta" of the game after they were decided at a convention in 1857, will be among the artifacts featured in the new exhibition "Baseball Americana" opening June 29 at the Library of Congress. The exhibition will explore baseball's past and present and how the game has forged a sense of community for players and fans across the country.

Tennessee Department of Education Awaiting ESSA Compliance Ruling

The Tennessee Department of Education is awaiting to hear back from the US Department of Education regarding whether emergency legislation is in compliance with Every Student Succeeds Act standards, which require states to test students annually in grades 3 through 8 and once in high school. This year, the state test "TN Ready" was affected by online glitches, deeming the results unreliable. In response, the Tennessee State Legislature passed legislation aimed to assert that "no adverse action be taken against any student, teacher, school or district based on this year's TN Ready results."

Tennessee's Education Commissioner Candice McQueen, has maintained that the glitches were the result "deliberate attacks" on the systems of Questar Assessment—TDOE's computer systems vender. The state's ESSA plan was approved last August, in which TN Ready was included as a measurement of accountability standards.

NCSL Contacts: Joan Wodiska, Miranda McDonald

First Lady Melania Trump Unveils "Be Best"

On May 7, first lady Melania Trump revealed her first initiative entitled Be Best, which seeks to promote well-being, positive social media behaviors and support families impacted by the opioid crisis. The well-being component of the initiative includes emphasis on healthy living, encouragement, kindness and respect through which adults may impact the futures of children. The initiative's focus on social media seeks to tackle cyberbullying and encourage children to "choose their words wisely and speak with compassion." The first lady's initiative also seeks to bring attention to the effects of opioid addiction. On the initiative, Mrs. Trump said: "It remains our generation's moral imperative to take responsibility and help our children manage the many issues they are facing today, including encouraging positive social, emotional and physical habits."

NCSL Contacts: [Joan Wodiska](#), [Miranda McDonald](#)

New Leadership and Opportunity to Address Student Homelessness

Acting Assistant Secretary for Elementary and Secondary Education Jason Botel was recently elected Vice-Chair of the United States Interagency Council on Homelessness for 2018. "...we have new levers at our disposal to track and provide services for families and students experiencing homelessness through the Every Student Succeeds Act," Botel said. State legislators or staff working on student homelessness are encouraged to contact [Joan Wodiska](#). NCSL is working to identify state-led examples to inform the Council on Homelessness.

Contacts: [Joan Wodiska](#), [Miranda McDonald](#)

DYK? From Acoma Pueblo in New Mexico, whose 250 structures have been continuously inhabited since the 12th century, to the White Horse Tavern, a bar in Newport, Rhode Island, that opened its doors in 1673, America's buildings are as historic as they are diverse. [Check out this list](#) of the oldest building in every state compiled by Business Insider.

The 2018 NCSL Legislative Summit begins July 30 – [Register Here](#)

[Read the April 30, 2018 Capitol-to-Capitol.](#)

Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey](#)!

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the policy directives and resolutions adopted during NCSL's Legislative Summit.

— A



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Denver: 303-364-7700

Washington: 202-624-5400

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7700 East First Place, Denver, CO 80230

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Sent: Tuesday, May 15, 2018 6:34 AM
To: Thomas, AJ
Subject: RE: Deconstructing the Administrative State Luncheon

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WHEN: Wednesday May 23rd from 11:00-12:15

WHO: All Members and Staff are invited

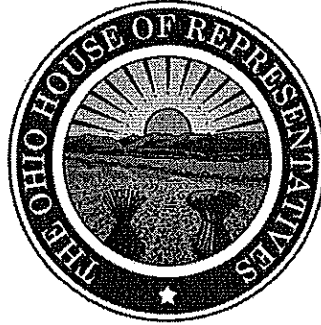
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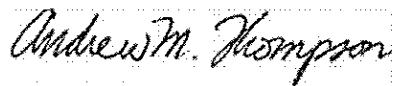
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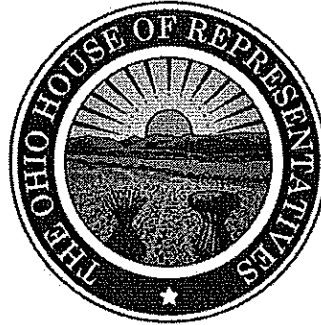
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Legislative Aide
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Ohio House of Representatives
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Office number: (614) 644-8728
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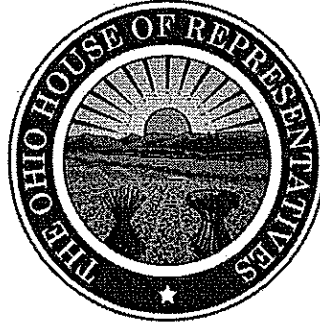
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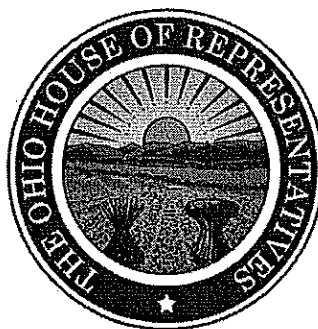
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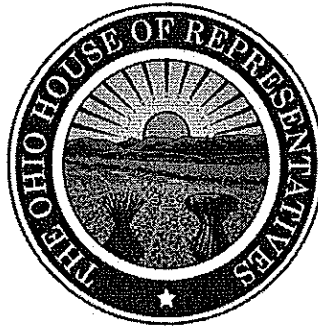
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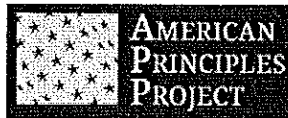
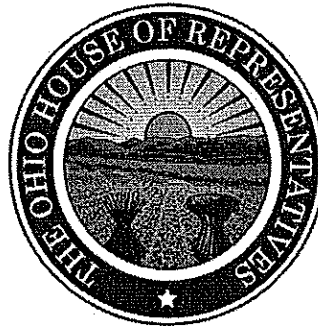
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Nick Derksen <derksen.nick@gmail.com>

Fwd: Ohio Report, Monday, February 22, 2016

1 message

Nick Derksen <derksen.nick@gmail.com>
To: Matt Huffman <mch@540westmarket.com>

Tue, Feb 23, 2016 at 6:56 PM

Nick Derksen

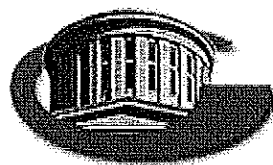
Begin forwarded message:

From: "Nick.Derksen@ohiohouse.gov" <Nick.Derksen@ohiohouse.gov>
Date: February 23, 2016 at 6:56:46 PM EST
To: Nick Derksen <derksen.nick@gmail.com>
Subject: Fwd: Ohio Report, Monday, February 22, 2016

Nick Derksen

Begin forwarded message:

From: Gongwer News Service <gongwerreports@gongwer-oh.com>
Date: February 22, 2016 at 7:06:37 PM EST
To: <Nick.Derksen@ohiohouse.gov>
Subject: Ohio Report, Monday, February 22, 2016



GONGWER Ohio
The Record of Capitol Square Since 1906

Ohio Report for Monday, February 22, 2016

Higher Education MBR Expands Community College Options, Implements Affordability Recommendations

Education 'Deregulation' Bill Amendments On Hold, Chairman Says

Former Lawmakers Look To Replace Faber In The Senate

After One Candidate Drops Out, Three Republicans Face Off In House District 47 Primary

Kasich Jostles With Rubio For Bush Donors Following SC; Graham, Sabato Mull Potential Rubio-Kasich Ticket

Politics Notebook: Kasich Draws Attention For 'Kitchen' Remark, Signs PP 'Defund' Bill; Poll Shows 74% Of Ohioans Support Medicinal Pot...

Court Briefs: High Court Sets Execution Date; Visiting Judge To Hear Case; Web Site On Judicial Candidates Updated

Capitol Scene: Chabria To Leave Gov's Office, Join ORP; Staff Changes Announced At Buckeye Institute, AICUO, HPIO

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Nick Derksen <derksen.nick@gmail.com>

Fwd: TOLEDO BLADE EDITORIAL - READING THE REPORT CARDS

2 messages

Chad Hawley <chad@thebatchco.com>

Fri, Mar 18, 2016 at 9:33 AM

To: Andy Brenner <brenner4ohio@gmail.com>, "Nicholas Derksen, MPA" <derksen.nick@gmail.com>, Mike Dittoe <dittoemr@gmail.com>, Shawn Kasych <shawn.kasych@gmail.com>

"But the assessments express another finding that deserves far more attention than it has gotten: the persistent negative connection between student achievement and poverty"

Toledo Blade Editorial

[Print Story](#)

Published: Wednesday, 3/9/2016

FEATURED EDITORIAL

Reading the report cards

The latest batch of report cards issued by the Ohio Department of Education to local public schools and districts has attracted predictable complaints about unpopular standardized tests and new, tougher criteria for evaluating districts' performance. But the assessments express another finding that deserves far more attention than it has gotten: the persistent negative connection between student achievement and poverty.

School officials, teachers, parents, and state lawmakers are protesting the downgrading of many districts from their previous evaluations. Several districts in suburban Toledo declined from a B grade to a C on their "performance index," which primarily reflects student test performance during the past school year.

The state dropped, after just one year, the set of standardized tests on which the most recent report-card grades were based. The report cards were delayed for months to accommodate changes in test providers. A new state law gives schools, districts, teachers, and students "safe harbor" through the next school year from penalties related to poor test performance.

But the report cards should not have surprised anyone. Education department officials had warned that grades were likely to go down, because the state is subjecting schools and districts to tougher expectations tied to the national Common Core education standards for English and math. The new scores, despite

problems with test administration, provide a better measure of how well schools are preparing students for higher education and careers.

The Fordham Institute, a Columbus-based education research and advocacy group, notes that in previous years, state report cards declared more than 80 percent of Ohio students academically proficient. On the latest report cards, that figure ranges from 55 to 70 percent.

But other academic indicators, Fordham adds, suggest that just 30 to 45 percent of the state's students are on track for success in college and their careers. And in economically distressed communities, it's fewer than 25 percent.

Ohioans need to prepare themselves to accept and act on, not deny, such unpalatable findings — to "raise the bar," as the education department says. Assuring ourselves that schools and young people are performing better than they are, and allowing large numbers of students to opt out of taking tests, are the wrong ways to build youthful — or statewide — self-esteem.

The answer is not to get rid of standardized tests, but rather to return them to the purpose for which they were intended: as diagnostic tools, not blunt political instruments to punish struggling school districts and deny them needed resources. Nor should the immediate instinct be to blame the tools when the results aren't satisfactory.

Toledo Public Schools received a D in overall performance on its latest report card, as it did the previous year. Yet the district continues to face — and often overcome — long odds in educating its disadvantaged students. That challenge should not be underestimated, as TPS and other urban districts continue to struggle for adequate funding.

A deep dive into the report card data sponsored by three groups of Ohio education professionals — the Ohio School Boards Association, the Buckeye Association of School Administrators, and the Ohio Association of School Business Officials — finds big disparities in academic achievement between economically disadvantaged students in Ohio and their better-off peers.

Howard Fleeter, the author of that analysis and a consultant to the Ohio Education Policy Institute, identifies "a strong negative correlation between student achievement and socioeconomic status." He concludes that for the future of the state, its work force, and all of its residents, "it is imperative that policymakers find solutions to close the significant achievement gap." Such solutions must go beyond the classroom, he adds.

State officials are right to demand higher standards for all Ohio public schools. They also have an obligation to help all schools and districts amass the resources they need to improve their performance. That is a more important task than conferring more tax cuts and tax breaks on the wealthiest Ohioans.

Read more at <http://www.toledoblade.com/Featured-Editorial-Home/2016/03/09/Reading-the-report->

cards.html#um1FLvylyWpzlrX4.99

Nick Derksen <derksen.nick@gmail.com>
To: Nick Derksen <Nick.Derksen@ohiohouse.gov>

Tue, Nov 29, 2016 at 11:21 AM

Nick Derksen

Begin forwarded message:

From: Chad Hawley <chad@thebatchco.com>
Date: March 18, 2016 at 9:33:24 AM EDT
To: Andy Brenner <brenner4ohio@gmail.com>, "Nicholas Derksen, MPA" <derksen.nick@gmail.com>, Mike Dittoe <dittoemr@gmail.com>, Shawn Kasych <shawn.kasych@gmail.com>
Subject: Fwd: TOLEDO BLADE EDITORIAL - READING THE REPORT CARDS

[Quoted text hidden]

From: The Buckeye Institute
Sent: Monday, January 11, 2016 6:55 AM
To: Derksen, Nick
Subject: Buckeye joins Rebecca Friedrichs at U.S. Supreme Court this morning

This e-mail is best viewed with images.

Buckeye Institute News Alert

Contact: Dennis Cauchon
(614) 224-4422 or Dennis@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
January 11, 2016

The Buckeye Institute Fights for 318,000+ Ohio Workers Today in U.S. Supreme Court Case

***Friedrichs v. CTA* Decision Could Give Workers' Voice and Choice**

COLUMBUS, OHIO--The Buckeye Institute filed an amicus brief in September that is being heard today at the U.S. Supreme Court. This landmark case would protect the 1st Amendment rights of government workers nationwide by ending the requirement that they pay for inherently political speech by unions to which they may object.

The Supreme Court is hearing oral arguments this morning in *Friedrichs v. California Teachers Association*, wherein the protection of 1st Amendment rights of California teacher Rebecca Friedrichs and nine other teachers are at stake. Rebecca Friedrichs has gone to court in order to be

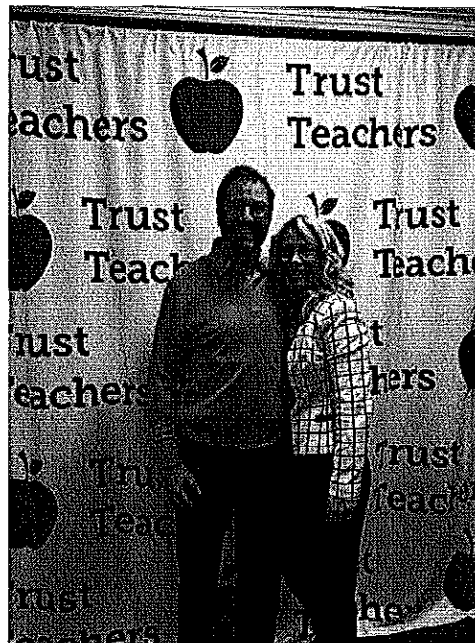
able to stop paying fees that unions now forcibly collect from non-members. If the justices rule in favor of Friedrichs, public-sector unions will still be able to collect dues from union members, but non-members will no longer be required to subsidize union activities. In Ohio alone, more than 318,000 state and local employees are covered by public-sector unions, reports the Bureau of Labor Statistics.

The Buckeye Institute's President and CEO Robert Alt is at the U.S. Supreme Court this morning where he will address the media on the steps of the highest court in the land. He said, "Rebecca Friedrichs is fighting to have a voice and a choice--fighting for her 1st Amendment rights to be recognized by the highest court in the land. She, along with all teachers and other public servants across this country, has been told for too long that she must pay union fees to support inherently political speech by the union--or else be fired. It is well past time that we respect the 1st Amendment rights of all workers."

###

BACKGROUND: The Buckeye Institute was founded in 1989 as an independent research and educational institution--a think tank--to formulate and promote free-market solutions for Ohio's most pressing public policy problems.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations who share a commitment to free enterprise, individual liberty, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



**Buckeye President & CEO
Robert Alt with plaintiff
Rebecca Friedrichs**

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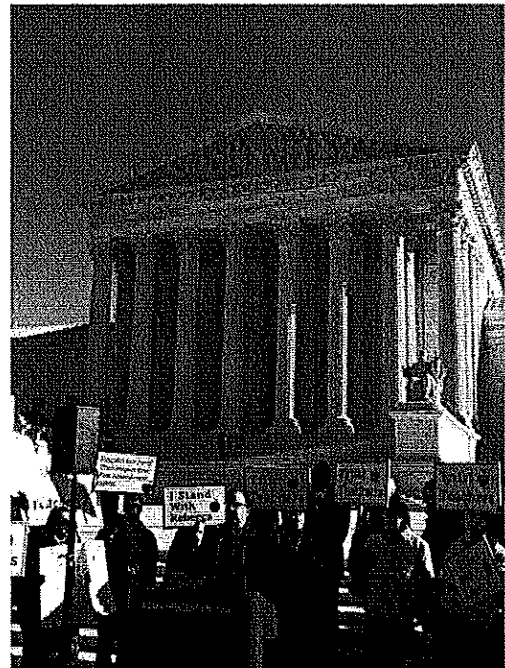
From: The Buckeye Institute
Sent: Monday, January 11, 2016 9:07 AM
To: Derksen, Nick
Subject: Buckeye President & CEO Robert Alt Speaks about Friedrichs on U.S. Supreme Court Steps

Buckeye Institute News Alert

Moments ago, Buckeye President & CEO Robert Alt finished his speech on the steps of the U.S.

Supreme Court where he addressed the media and explained that "Today's case is about securing the First Amendment rights for all public employees. It is about not being forced to pay for political speech with which you disagree. And, make no mistake, collective bargaining speech for public sector unions is political speech. For example, in Ohio, the unions negotiated to decide layoff decisions by a coin flip, instead of merit, which is of course blatantly unfair to good teachers and to their students." Alt noted that the Justices heard oral arguments outlining why forcing Rebecca Friedrichs to pay the unions is inherently political speech, and why it violates her 1st Amendment rights. We should expect the Justices to announce their decision on the case in June.

Alt posted several pieces on National Review's Bench Memos over the past week about the Friedrichs case, many of which were picked up by SCOTUSblog as well:



**Robert Alt Speaks about Friedrichs
on U.S. Supreme Court Steps**

[Professor Epstein to SCOTUS: Set the Workers Free](#)

[A Response to Justice Kagan: Ending Agency Fees Won't End Unions \(Part 1\)](#)

[A Response to Justice Kagan: Ending Agency Fees Won't End Unions \(Part 2\)](#)

[Not Inexorable: Why Stare Decisis Doesn't Require Adherence to Abood](#)

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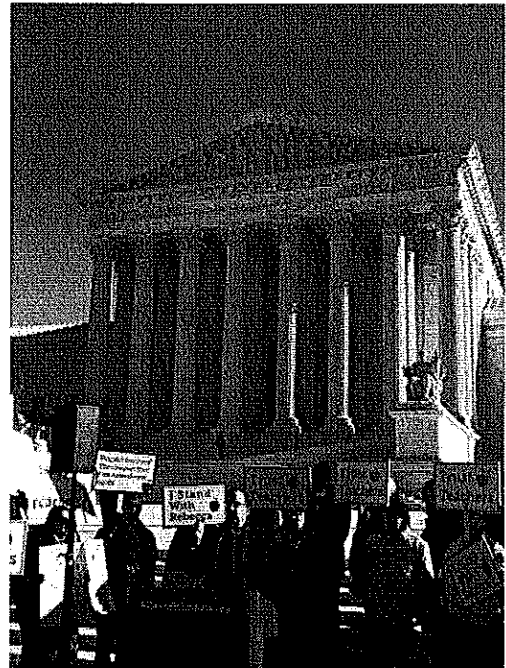
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From: The Buckeye Institute
Sent: Thursday, January 21, 2016 11:24 AM
To: Derksen, Nick
Subject: EPA's Federal Plan Would Force States Into Cap-and-Trade Scheme

Buckeye Institute News Alert

Contact: Joe Nichols
(614) 224-4422 or Joe@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
January 21, 2016

EPA's Federal Plan Would Force States Into Cap-and-Trade Scheme

The Buckeye Institute files formal comments challenging legality of this federal overreach

COLUMBUS, OHIO--The Buckeye Institute filed comments Thursday challenging the legality of the U.S. Environmental Protection Agency's (EPA) proposed "federal plan" to regulate carbon dioxide emissions under President Obama's Clean Power Plan.

The Buckeye Institute joined the Competitive Enterprise Institute and several other state-level free market think tanks to criticize the EPA's plan, which is a national cap-and-trade program that Congress has explicitly rejected many times. The EPA says it will enforce its federal plan if a state fails to submit its own compliance plan or submits a plan that EPA thinks isn't good enough.

"This federal plan is another example of the Administration using executive overreach to bypass Congress and ignore the best interests of the American people," said William & Helen Diehl Energy and Transparency Fellow Joe Nichols. "EPA claims this rule gives states 'flexibility' to comply, but it is really a backdoor effort to force the states into a costly cap-and-trade scheme."

The filing was submitted to the EPA before a regulatory deadline for outside parties to comment on the agency's sweeping new rule. The Buckeye Institute joined the Texas Public Policy Foundation to file comments opposing the regulation on legal and economic grounds as well.

#

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From: The Buckeye Institute
Sent: Sunday, January 24, 2016 12:06 PM
To: Derksen, Nick
Subject: On Blizzards and Buckeye's Work so Far in 2016

This e-mail is best viewed [with images](#).

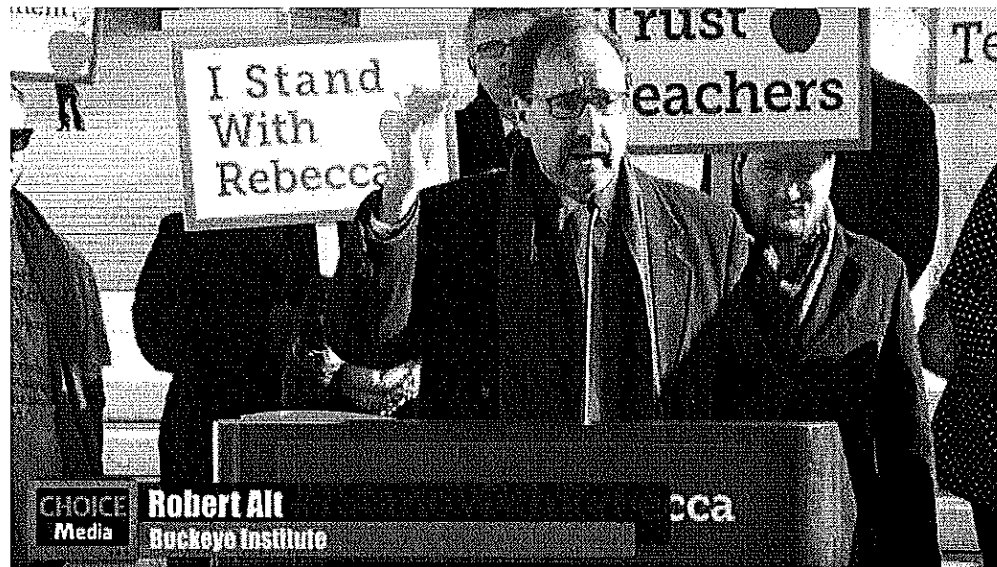
Buckeye Institute News Update

Dear Friends,

Amidst the torrent of bad news since the New Year (the stock market performing erratically and blizzards making themselves known by name, etc.), The Buckeye Institute is off to a phenomenal start for 2016--thanks to your support!

A few noteworthy accomplishments for your review:

- **U.S. Supreme Court.** As you may recall, President and Chief Executive Officer Robert Alt spoke at a news briefing (video below) on the steps of the U.S. Supreme Court just after oral arguments concluded in the landmark labor freedom case, *Friedrichs v. California Teachers Association*. Robert, a constitutional scholar, filed an *amicus* brief for Buckeye in the case, as well as published extensively in prominent publications including National Review's Bench Memos and SCOTUSblog in the days leading up to oral arguments and was quoted widely in the days after the January 11th arguments.



- **Ohio General Assembly.** Policy Analyst Greg R. Lawson testified earlier this week before a House Committee on why it is smart policy for the State Auditor to do efficiency-seeking performance audits at universities and community colleges. Ohio Rep. Tim Schaffer (R-Lancaster), the bill's co-sponsor, publicly thanked Greg on social media for his testimony. State Auditor Dave Yost touted and quoted Greg's testimony in a news release too.
- **Editorial pages.** The Buckeye Institute is now a mainstay - and the dominant free market voice - on the editorial pages of Ohio's major newspapers. William and Helen Diehl Fiscal Policy Fellow Tom Lampman had an op-ed in the *Toledo Blade*. It was based on his policy study arguing that deregulation would dramatically increase access to health care, especially for low-income Ohioans. In a similar vein, Greg R. Lawson published a letter-to-the-editor in the *Columbus Dispatch* explaining how job growth and reducing poverty -- not just spending more tax money -- is the key to improving education outcomes.
- **News reports.** Our experts are frequent sources to the media on our core policy issues, such as jobs and economic growth. Buckeye's Executive Vice President Rea S. Hederman, Jr., was prominently quoted Friday in the *Cleveland Plain Dealer's* news story on the latest Ohio jobs report.

Thank you for all you do to advance freedom and prosperity, Happy New Year, and stay warm!

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From: The Buckeye Institute
Sent: Monday, February 1, 2016 11:26 AM
To: Derksen, Nick
Subject: Ohio's Economy Ends 2015 on High Note

Ohio by the Numbers - December 2015

Contact: Joe Nichols
(614) 224-4422 or Joe@BuckeyeInstitute.org

February 1, 2016

OHIO'S ECONOMY ENDS 2015 ON HIGH NOTE

December's jobs report is positive overall, but energy sector is reeling

COLUMBUS, OHIO--Ohio's labor market enjoyed a strong finish to 2015. Total employment rose by 15,000 jobs, the largest one-month increase since January. However, jobs numbers for the mining sector, which includes oil and gas, reflect the negative impact of low commodity prices and costly regulations.

"December marks the third consecutive month of labor force participation rate increases," said Joe Nichols, a policy analyst at The Buckeye Institute's Economic Research Center. "Employment grew strongly in the final month of the year. However, the good news did not impact everyone as the mining sector experienced more layoffs and is down 11.5% from the previous year. Oil, gas, and coal are in dire straits. In 2016, policymakers should be careful not to kick this industry while it's down. Despite hard times, the energy industry holds plenty of promise for Ohio if bad policy doesn't get in its way."

Key results:

- **Unemployment rate.** The jobless rate rose to 4.7% in November, up from 4.5% a month earlier, but down from 5.1% a year earlier.
- **Labor force participation rate.** The percentage of working-age Ohioans who have a job or are looking for work rose to 62.5% in November, up from 62.4% a month earlier.
- **Total jobs.** Ohio added 15,200 total jobs compared to the previous month (seasonally adjusted) and 82,700 jobs from a year earlier.
- **Private jobs.** Ohio added 15,900 private sector jobs from the previous month and 82,000 jobs from a year earlier.
- **Government jobs.** Federal, state, and local governments lost 700 jobs from the previous month, but remain 700 jobs higher from a year earlier.

Nationally, right-to-work states continue to outperform forced unionization states (including Ohio) in private sector employment, growing by 9.8% compared to 7.9% in forced union states.

Overall, Ohio had a total of 5,451,500 workers holding jobs that paid wages or salaries in December, according to federal data.

The good and the bad in December:

Winners

- **Nondurable goods manufacturing.** The industry added 3,300 jobs, up 1.5%.
- **Wholesale trade.** The sector gained 2,500 jobs, a 1.1% increase.

Losers

- **Mining and logging.** The industry saw a 1.4% drop.
- **Arts, entertainment, and recreation.** This sector employed 2,300 fewer people, a loss of 3.1% of its workforce, a decline that appears to be weather-related.

To view the full report, click [here](#).


Ohio by the Numbers

Labor Force Report

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From: The Buckeye Institute
Sent: Wednesday, February 10, 2016 3:13 PM
To: Derksen, Nick
Subject: Buckeye Wins Two Policy Victories in Two Days

Buckeye Institute News Alert

Contact: Dennis Cauchon, Director of Communication
(614) 224-4422 or Dennis@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
February 10, 2016

BUCKEYE WINS TWO POLICY VICTORIES IN TWO DAYS

Ohio Senate votes to end salon manager's license, Supreme Court halts Clean Power Plan

COLUMBUS, OHIO--The Buckeye Institute praised two important decisions today, one by the Ohio Senate and the other by the U.S. Supreme Court. Both decisions supported key policy priorities of Buckeye's work advancing economic freedom in Ohio and nationwide.

"Buckeye's victories this week in Columbus and Washington advance Ohioans one step closer to relief from burdensome regulations that hurt small businesses and working families," said Robert Alt, president and chief executive officer of The Buckeye Institute. "We're proud to be on the front lines fighting for sound policy in both the General Assembly and in federal court."

Buckeye's latest policy wins:

Salon manager's license.

The Ohio Senate voted 32-0 this afternoon to unanimously eliminate a pointless and costly occupational license that forced cosmetologists to get a special state license to get promoted to

store manager. The reform had been stalled for years because of opposition from private cosmetology schools, which sell training for the licenses.

The Buckeye Institute brought increased scrutiny to this harmful license through testimony, a social media campaign, and the release of *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back*. The study -- detailing 31 over-licensed and over-regulated modest-income professions -- was released at a Statehouse event in which legislators spoke in favor of ending the unnecessary salon manager's license.

Clean Power Plan. The U.S. Supreme Court on Tuesday evening halted implementation of President Obama's plan to regulate carbon dioxide emissions from power plants. This decision caught many observers by surprise, but not Buckeye's research staff. Joe Nichols, a policy analyst in Buckeye's Economic Research Center and an energy policy expert, correctly predicted that the courts would put the regulatory overreach on hold because it clearly violates state sovereignty and recent Supreme Court decisions.

The Court's decision elevates the importance of our other legal challenges to the Clean Power Plan. The Buckeye Institute is suing the Obama Administration over these illegal rules. In addition, Buckeye has aggressively challenged the plan in the regulatory process.

The Buckeye Institute will remain on the front lines on both of these issues. The future is brighter today than it was two days ago thanks to these great decisions by the Supreme Court and the Ohio Senate.

###

BACKGROUND: Founded in 1989, The Buckeye Institute is an independent research and educational institution--a think tank--whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.

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From: The Buckeye Institute
Sent: Thursday, February 18, 2016 12:54 PM
To: Derksen, Nick
Subject: The Buckeye Institute announces hiring of criminal justice expert

Buckeye Institute News Alert

Contact: Dennis Cauchon, Director of Communications
(614) 224-4422 or Dennis@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
February 18, 2016

THE BUCKEYE INSTITUTE HIRES CRIMINAL JUSTICE EXPERT

Attorney will build on the Institute's nation-leading success in criminal justice reforms

COLUMBUS, OHIO--The Buckeye Institute announced on Thursday that attorney Daniel J. Dew has joined its staff as the organization's Criminal Justice Fellow, a full-time research position that will support The Buckeye Institute's expanding role leading criminal justice reform in Ohio and nationwide.

Dew is a widely published author on criminal justice issues and a former Visiting Legal Fellow at The Heritage Foundation in Washington, D.C. At Buckeye, Dew will focus on Ohio's current effort to comprehensively revise its criminal code for the first time since 1971, as well as reforming Ohio's civil asset forfeiture law, expanding Ohio's first-and-best-in-the-nation criminal intent reform to other states and the federal government, and researching, innovating, and writing about a variety of criminal justice policy reforms.



Daniel J. Dew

"Daniel is a national expert on criminal law, and we are pleased to bring him on to expand Buckeye's capacity to formulate sound criminal justice policy for Ohio that can be easily replicated in other states," said The Buckeye Institute's President and Chief Executive Officer Robert Alt, who previously taught criminal law at Case Western Reserve University Law School.

Dew will provide research and testimony to the Ohio Criminal Justice Recodification Committee, a blue-ribbon panel created by the legislature and charged with the significant task of recommending comprehensive revisions to the state's criminal code by August 1.

"As a native Ohioan, I'm very excited to be back home and to join The Buckeye Institute, which is leading the nation in achieving significant criminal justice reforms and building left-right coalitions to advance sound policy. I'm absolutely thrilled to work on an issue as vital to a free society as criminal justice reform, and to do so at The Buckeye Institute, which is fortunate to have one of the best criminal law scholars in the country as its President and CEO," said Dew, a graduate of the Cleveland-Marshall College of Law.

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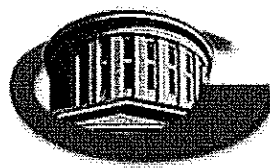
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160222dayplan.htm



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Ohio Report for Monday, February 22, 2016

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Kasich Jostles With Rubio For Bush Donors Following SC; Graham, Sabato Mull Potential Rubio-Kasich Ticket

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Court Briefs: High Court Sets Execution Date; Visiting Judge To Hear Case; Web Site On Judicial Candidates Updated

Capitol Scene: Chabria To Leave Gov's Office, Join ORP; Staff Changes Announced At Buckeye Institute, AICUO, HPIO

Gongwer Statehouse Job Market Updated

Supplemental Agency Calendar

Supplemental Event Planner

Activity Reports

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Senate

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House Activity for Monday, February 22, 2016

INTRODUCED

HB 471 ■ **COMMISSION ELIMINATION** (Brown, T.) To formally abolish certain boards and commissions that have completed their work and to abolish the Compact with Ohio Cities Task Force.

HB 472 ■ **RENEWABLE ENERGY** (Strahorn, F.) To unfreeze the requirements for renewable energy, energy efficiency, and peak demand reduction, to permit changes in and Public Utilities Commission action on electric distribution utility portfolio plans in 2016, to revise the setback requirement for economically significant wind farms, and to repeal the setback requirement for wind farms of fifty megawatts or more.

CALENDAR FOR COMING SESSION

SB 124 ■ **AWARENESS DAY/MONTH** (Thomas, C.) To designate May as "Asthma Awareness Month" and to designate May 5 as "Childhood Asthma Awareness Day."

HB 241 ■ **MONTH DESIGNATION** (Grossman, C., Curtin, M.) To designate the month of September as "Hunger Action Month."

HB 290 ■ **TERMINAL PATIENTS** (Sprague, R., Anielski, M.) To permit a physician to treat a terminally ill patient with a drug that is not approved by the United States Food and Drug Administration and permit a drug manufacturer to provide such a drug to the patient or physician.

HB 305 ■ **RETIREMENT SYSTEMS** (Schuring, K.) To include new nonteaching employees of The University of Akron as members in the Public Employees Retirement System and to make an appropriation for the University's School Employees Retirement System employer surcharge payments.

HB 325 ■

DRUG ADDICTION TREATMENT (Green, D., O'Brien, S.) Regarding encouraging pregnant women who are addicted to controlled substances to seek treatment.

HCR 21 ■

DD EMPLOYMENT SERVICES (Romanchuk, M., Antonio, N.) To urge the Congress of the United States to request that the federal Centers for Medicare and Medicaid Services revise its guidance on employment services for individuals with developmental disabilities to maintain their right to participate in programs offered by facility-based day programs, training centers and sheltered workshops.

SIGNED BY THE GOVERNOR

HB 294 ■

(Enacted)

ABORTION (Patmon, B., Conditt, M.) To require the Department of Health to ensure that state funds and certain federal funds are not used either to perform or promote nontherapeutic abortions, or to contract or affiliate with any entity that performs or promotes nontherapeutic abortions; to provide for health departments and WIC clinics to determine presumptive eligibility for pregnant women and children; and to allocate existing funding within the Ohio Department of Health's budget to the Ohio Association of Community Health Centers for safe sleep, birth spacing, and smoking cessation initiatives.

Signed: February 21, 2016

Gongwer Coverage

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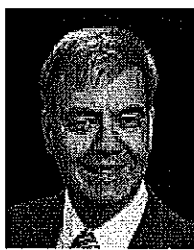
Volume #85, Report #34 -- Monday, February 22, 2016

Higher Education MBR Expands Community College Options, Implements Affordability Recommendations

The administration continues its focus on lowering the cost of college degrees in a higher education mid-biennium review plan unveiled Monday.

The proposal would allow community colleges to offer up to 10 bachelor's degree programs and would create a pilot program in which high school students can receive college credit for math and English remediation courses.

Among other MBR provisions Chancellor John Carey announced at a press event at Lorain County Community College, universities would be required to implement a handful of recommendations from the governor's Task Force on Affordability and Efficiency in Higher Education. (Fact Sheet)



John Carey

"The issue of college affordability is more important than ever. Across the country, the cost of college has far outpaced consumer price index and even healthcare costs. That cost has put the American dream of a college degree out of reach for a growing number of students and families. This is unacceptable," Mr. Carey said.

"Controlling college costs to ensure that more Ohioans can obtain a college degree or credential remains a top priority for Governor Kasich and the General Assembly."

Additional provisions in the bill that Rep. Tim Brown (R-Bowling Green) is expected to introduce on Tuesday include:

- Requiring the Department of Education to study income-sharing agreements as a possible strategy to reducing student loan debt.
- Becoming the 10th state to join the Midwest Exchange Program, which is a tuition reciprocity program that would allow students to enroll in programs at other

states' institutions at a tuition rate that's lower than what typical out-of-state students would pay.

- Creating more "3+1" pathways between two- and four-year institutions so that students are studying at cheaper community colleges longer.
- Joining a partnership with the Western Governors University to award degrees in four areas based on competency and not just the amount of time spent in the classroom.

Joining Mr. Carey were higher education leaders who applauded the plans to expand efforts to reduce higher education costs by supporting dual enrollment programs and pushing collaboration between universities and colleges.

Other speakers included: Lorain County Community College President Roy Church; Sinclair Community College President Steve Johnson; Ray Craig, dean of Bowling Green State University's College of Arts and Sciences; Frank Calzonetti, vice president of government affairs at the University of Toledo; Sen. Gayle Manning (R-N. Ridgeville); and two LCCC students.

In particular, they spoke to the success of 3+1 programs and pointed at the MBR plans as a necessary step toward bringing the initiative to scale statewide.

Mr. Church said students at his two-year institution have saved millions of dollars and shaved years off their higher education careers by taking at least 75% of their classes there before earning a bachelor's degree from a university.

"You can use College Credit Plus and 3+1 and we can assure you that you can graduate with a bachelor's degree by age 20 at less than 20% of the cost of taking that same baccalaureate degree if you had to leave Lorain County and go to (a university offering a) four-year degree," he said. "It's not saying one pathway is better than another, it's saying we need all the pathways we can get in Ohio."

Universities are also supportive of plans to move students more quickly through higher education and at a lower cost, Mr. Craig said.

Bowling Green has been among those schools offering a 3+1 program for more than a decade and CCP has brought some first generation students to the university that may have never pictured themselves there otherwise, he said.

"We've been doing this already for well over a decade. We know that it works. It can be successful for our citizens, our universities and community colleges," Mr. Craig said.

Messrs. Church and Craig said they're hopeful that state support for the program will give it the push it needs to mount in the same way dual enrollment has since the Department of Higher Education and ODE began pushing CCP last year.

Mr. Johnson added that community colleges offering bachelor's degrees that aren't available at nearby universities will also be beneficial because it will allow them to offer credentials in career fields that are specific to the region.

Twenty-five other states permit community colleges to offer advanced degrees, he said.

"This is the kind of policy bill that will help us move forward," Mr. Johnson said, referring to Lumina Foundation research that has determined Ohio needs to increase its percentage of residents with a post-secondary degree from 35% to 65% to fill job demands in the coming years.

When the MBR plan was revealed, Jack Hershey, president of the Ohio Association of Community Colleges, also touted its potential benefits.

"These reforms proposed today shine the light on a pathway that has emerged under Governor Kasich that allows students to obtain a degree from their favorite university, while saving up to 80% off the traditional cost of attendance by completing as much of their coursework as possible at a community college," he said in a statement. "The ability for middle class families, single parents, and working adults to obtain a debt-free college degree is once again a reality in Ohio."

Inter-University Council of Ohio President Bruce Johnson said the organization is still examining the proposals to determine its stance, but is supportive of the administration's ongoing efforts to expand higher education options.

"Overall, I think that we appreciate the chancellor's focus on affordability and access and we think that a large and growing percentage of students who are entering public institutions of higher education are choosing public universities and that's because of their evaluation of the value that public universities provide," he said in an interview.

"Certainly providing really good, high-quality choices is great because the state needs to focus on bridging its education gap," Mr. Johnson added.

Education 'Deregulation' Bill Amendments On Hold, Chairman Says

A bill slated for a number of revisions, including holding charter school sponsors harmless for report card scores, has been pulled from the House Education Committee's agenda.

Chairman Rep. Andy Brenner (R-Powell) said last week that the measure (SB 3) would see "quite a few" changes over the course of back-to-back meetings scheduled for Monday afternoon and Tuesday morning. (See Gongwer Ohio Report, February 19, 2016)

However, the Monday meeting was canceled late last week and Tuesday's has been moved to 2 p.m. The bill and a presentation from the Department of Education were removed from the agenda of the latter meeting.

The delay is caused by a desire on behalf of the legislature and the administration to continue working on the bill before any changes are made public, Rep. Brenner said. He expects any disagreements to be resolved by the time the House returns to session the week of March 14.

"Hopefully we'll get the issues resolved between now and when we come back," he said in an interview.

The chairman was reluctant to reveal what the planned omnibus amendment will include or what proposals are proving to be the most contentious, but said changes will address policy decisions made in the last year.

Despite reports that the proposals would seek to weaken recently enacted charter school overhauls, Rep. Brenner said he doesn't think that's the case.

"There is a discussion of some other issues around equivalency, but that goes back to prior legislation," he said.

Sen. Peggy Lehenr, the Senate Education Committee chairwoman who was behind a number of the HB2 provisions, said attempts to water them down have been unsuccessful.

"I haven't heard of anything that's giving me heartburn," she said of potential updates to the so-called education de-regulation bill. "I know that there have been efforts to put some things in but to my knowledge they're not going in the bill and therefore I'm fine with it."

The chairwoman added that she's supportive of plans to provide safe harbor for charter school sponsors from state report card grades as long as it's only for the 2014-15 school year.

In its original state, the measure is aimed at rewarding high-performing school districts by releasing them from some state requirements.

Former Lawmakers Look To Replace Faber In The Senate

Matt Huffman and John Adams, both of whom left the House in 2014 due to term limits, are running for the seat that comprises Allen, Champaign, Shelby and Mercer counties along with portions of Auglaize, Logan and Darke counties.

Mr. Adams, a businessman and former Navy SEAL, did not respond to multiple attempts to contact him.

Mr. Huffman, a private attorney who rose to the ranks of speaker pro tempore in his first tenure in the legislature, said he has always been drawn to public service.

Prior to his time in the General Assembly he served on the Lima City Council for 14 years, including seven as the body's president.

"If you feel like you can contribute you need to do that in whatever way you can," Mr. Huffman said.

If elected, Mr. Huffman said he hopes to boost manufacturing in the district through increased vocational training and remove disincentives to work.

"We can't fill jobs," he said. "We have jobs that are going unfilled."

More educational dollars should be spent on vocational training and less should be spent on welfare programs, according to Mr. Huffman.

"We understand that in bad times people lose their jobs and they need a little bit of a boost," he said, but added, "Everybody has to do a job at some point in their life that they don't like."

Mr. Huffman also said he will push for a more business-friendly climate in Ohio by fighting efforts to raise revenues through what he deems as backdoor tax increases - "retroactive fines, penalties, things of that nature," he said.

"There should never be a surprise from the government that money is owed by a business, especially when there is a newly acquired business," he said.

Providing clarity in the rule-making process and moving from an income tax to a sales tax are also priorities of Mr. Huffman.

During his first stint in the legislature, Mr. Huffman said one of his crowning achievements was the passage of legislation to standardize contracts between health care providers and insurance companies (HB125, 127th General Assembly). He said the law could likely use some updating.

"Six years since that bill was passed there's been a lot of backsliding in that regard," he said.

Mr. Huffman, who considers himself to be a "small government, pro-low tax, pro-life, pro-second amendment Republican," believes he has a proven track record of getting things done in the Statehouse that would be of value to the legislature.

"You can be whatever you say you want to be, but you also have to be effective," he said. "That's why we were able to pass a pretty conservative agenda."

During his tenure in the House, Mr. Adams was considered among the more right-leaning members of a conservative majority under then-Speaker Bill Batchelder. He was elected twice to serve in caucus leadership.

Along with the usual conservative causes such as tax cuts and anti-abortion initiatives, Mr. Adams was a staunch proponent of oil and gas drilling in parks and other state lands and sponsored legislation to that effect (HB133, 129th General Assembly).

His anti-abortion efforts included a bill to require paternal consent for abortions (HB252, 128th General Assembly).

Outside of his General Assembly activities, Mr. Adams served as the Ohio legislative chair of American Legislative Exchange Council.

No Democrat filed to run for the heavily Republican seat.

After One Candidate Drops Out, Three Republicans Face Off In House District 47 Primary

An ex-mayor, a school board member, and a Toledo business owner are elbowing for a shot at the 47th House District seat occupied by term limited Rep. Barbara Sears (R-Maumee).

A fourth GOP contender - Monclova Township trustee and Mercy St. Vincent Foundation Development Director Barbara Lang - last month dropped out of the race following discussions with party leaders, saying a crowded primary is not in voters' best interest.

Among the remaining candidates are realtor and former Waterville Mayor Derek Merrin, Sylvania school board member Vicki Donovan Lyle, and business owner and former Sylvania township trustee Kevin Haddad.

The winner of that contest will face Democrat Michael Sarantou of Sylvania Township come November.

The trio of GOP candidates spoke in interviews about their goals for the district if elected.

Mr. Merrin, who has earned endorsements from Rep. Sears, Rep. Rob McColley (R-Napoleon), and Sen. Randy Gardner (R-Bowling Green), served on the Waterville City Council between 2007-2008

He was first elected in 2007, unseating a three-term Democrat and becoming the youngest mayor in Ohio at the time when he took office in 2008. He credits that win to a message of fiscal conservatism and open government.

"I governed as a strong fiscal conservative who opposed tax increases," he said. "I implemented many cost savings reforms. I'm a strong believer we must empower our local officials by addressing state laws that restrict their ability to govern."

After his term ended and he decided not to seek reelection, he spent four years working for the state auditor's office and is now a realtor and real estate investor.

"My number one priority will be creating an environment that ignites Ohio's economic engine," he said. "I believe our state needs pro-growth reforms to our tax code, regulatory rules, and legislation that furthers individual freedoms."

Ms. Lyle has served on the Sylvania school board since 2004 and owns a business specializing in health insurance and benefit consulting.

She said her experience as a school board member overseeing a district with an \$82 million budget has given her an appreciation for public office and the accountability that comes with it.

"We're expected to keep ourselves fiscally solvent and responsible and accountable in a transparent way to the community," she said. "All of those critical pieces are part of what any good elected official (does) in terms of having that kind of background and experience that's going to translate to the bigger stage."

She said she wants to reduce the state's role in the classroom, by decreasing standardized testing and "teaching to the test." Other priorities include better matching job opportunities with potential workers and addressing the financial burden she said is placed on individuals and businesses to secure healthcare.

If elected, she said, she'd focus on being open and accessible to constituents.

"I've had 30-plus years in the workforce having my own business as a small business owner," she said. "In addition to that, I think my time on the school board has served me well to understand that listening is a primary component for an elected official. It's not about our agenda, but what are the concerns for our constituents."

Mr. Haddad is a former president of the Township Association of Lucas County. He's also a real estate owner and for 40 years owned and operated a Toledo hair salon.

After being elected township trustee in 2009, Mr. Haddad lost reelection in 2013. He previously mounted a failed bid as an independent in 2012 for a county commissioner seat. After finding difficulty winning local races as a conservative, he said, he believes he'll have greater odds in a Statehouse race.

"For me, it's not about the job, not about the money," he said. "It's about fixing the state up before it gets wiped out."

He said he wants to reverse cuts to the local government fund enacted in recent years, but also institute new accountability measures to monitor how those funds are used.

"If we restore the local government fund in a way that would go to each community - I'm not going to give it to the counties - I'm going to ask a lot of people give us your budget

and we're going to audit you to make sure you spent that money properly on those issues," he said.

He said he'd push for an elimination of school levies, which he contends are "illegal and unconstitutional."

Mr. Merrin alleges his two opponents aren't conservatives and said he has widespread support in the district. He said he wants to better control government spending while lowering taxes.

"I'm the only conservative that is running," Mr. Merrin said, claiming that his opponents each "have a record of voting and supporting increased taxes."

"I'm the only candidate that has consistently opposed tax increases as an elected official," he said.

Ms. Lyle, in response, said her opponent was likely referring to a series of school levies voters had approved during her time on the school board. She said the board worked to ensure citizen comments were received when weighing potential cost savings efforts and levy proposals.

Like with all school levies, she said, it's not the school board approving the property tax increase but the voters. She said she would prefer no taxes be increased, but that the board is forced to act within the confines of the current funding system.

"We take every effort and every opportunity to be judicious and fiscally responsible and conservative as we can; we value and appreciate the taxpayers' investment," she said. "But we also understand we are limited in our options of how to raise revenue - of which that is one. So it is the voters who decide, not the school board, as to whether (an increase in) taxes will be put in place."

Mr. Haddad said he was able to pass three of his four priorities as a township trustee and that several cost saving measures he proposed were voted down by other trustees.

He criticized Mr. Merrin for his handling, while mayor, of an ordinance that would have barred sex offenders from living in certain parts of the city. The ordinance, which Mr. Haddad contends would have concentrated sex offenders in a handful of neighborhoods, was later scrapped by the city council in a 6-1 vote in 2008 following public opposition.

"When I was a trustee, I worked conservatively," Mr. Haddad said. "I can foresee the future on a lot of issues and I look at every angle of it and I make sure it's done as properly and accurately as possible so we don't have any problems."

Subscribers Note: These stories are part of a series on contested primaries heading into the March 15 election. Updated candidate lists and related information are available on the Gongwer Elections Page.

Kasich Jostles With Rubio For Bush Donors Following SC; Graham, Sabato Mull Potential Rubio-Kasich Ticket

Unlike Gov. Bush, the Kasich camp made clear early on it did not have high hopes for South Carolina, instead preferring to lay groundwork in friendlier upcoming Midwestern states like Michigan. Mr. Bush announced Saturday night he was suspending his campaign, a move that enabled Kasich backers to tout their candidates as the last governor standing.

Kasich for America Chief Strategist John Weaver said the South Carolina results show the field has been winnowed to a four man race and that Gov. Kasich has emerged victorious from the "governor's bracket."

"Only four candidates have top-three finishes in any of the early states and can justify staying in," he said. "While others were making their last stand in South Carolina, John Kasich strengthened his organization and support - despite being outspent by tens of millions of dollars. He also focused on the key states ahead for us, like Michigan, where he is currently second, Massachusetts and Vermont."

But Gov. Kasich faces an uphill battle jostling with Sen. Rubio to pick up remnants from Mr. Bush's failed campaign; those donors and staffers may be more drawn to the senator, who has raised more money and seen more success in the Iowa caucuses and SC primary than Gov. Kasich.

"John Kasich may be able to compete in places such as Massachusetts and Michigan in early March, and hang on to win Ohio with the hope that his delegates prove crucial," according to analysis from Sabato's Crystal Ball. "But he just isn't built to play in enough states, nor does he have a broad enough appeal in the GOP, to truly challenge for the nomination."

"Most mainstream Republicans will sooner or later move to Rubio, but will it be soon enough? He can't keep on finishing second or third - or fifth, as he did in New Hampshire. You have to start winning, but where?"

On Monday, former candidate and Bush backer Sen. Lindsay Graham mused during an interview that a Rubio-Kasich ticket "would be (a) very potent ticket in the fall and maybe help us stop Trump."

Added Sabato's Crystal Ball: "Rubio might want to consider a daring gambit - openly offering Kasich the vice presidential slot in exchange for the Ohio governor's support."

Gov. John Kasich finished fifth out of six candidates in the South Carolina Republican primary Saturday, landing far behind winner Donald Trump. Mr. Trump won 32.5% of the vote, while Mr. Kasich won the support of 7.6% of voters.

Sen. Rubio won a narrow second place victory at 22.5%, followed by Sen. Ted Cruz at 22.3%. Gov. Kasich fell just short of former Florida Gov. Jeb Bush, who came in fourth with 7.8%. Retired neurosurgeon Ben Carson earned 7.2% of the vote.

The Kasich campaign is banking on a successful showing in Michigan, where a weekend American Research Group poll ranked him in second at 17%, above Sens. Rubio and Cruz, who were each at 12%.

The Kasich campaign on Monday announced its Michigan team (full roster), which will be chaired by former congressman Pete Hoekstra, State Senate Majority Leader Arlan Meekhof, State House Speaker Pro Tempore Tom Leonard, and former RNC committeeman Chuck Yob.

With the field narrowing, Gov. Kasich is expected to face increasing calls to withdraw in an effort to consolidate support behind Sen. Rubio among establishment figures who hope to mount an effort to thwart Mr. Trump and Sen. Cruz from landing the nomination. Gov. Kasich's continued presence may siphon support that might otherwise be thrown at the freshman senator from Florida.

Kasich Gains/Loses Endorsements: On Sunday, the *Columbus Dispatch* reported that Kasich campaign Colorado co-chair B.J. Nikkel is endorsing Sen. Rubio. The paper quoted the former state lawmaker as saying "it's time for conservatives of conscience to rally behind the one man who can defeat New York billionaire Donald Trump."

At the same time, billionaire financier Stanley Druckenmiller threw his support behind Gov. Kasich, according to the *New York Times*.

"Mr. Druckenmiller confirmed in an email that he was supporting Mr. Kasich, but did not elaborate," the paper reported. "Last year, he donated more than \$450,000 to groups supporting Mr. Kasich, Gov. Chris Christie of New Jersey and former Gov. Jeb Bush of Florida."

It remains to be seen who, if anyone, Mr. Bush might endorse. A *Politico* report Sunday cited those close to Mr. Bush as saying a Kasich endorsement was "unlikely." But an endorsement of Sen. Rubio might also be a stretch considering the pair's increasingly contentious relationship on the campaign trail in recent months.

Gov. Kasich landed several endorsements in recent days, including those from former Pennsylvania Gov. Tom Ridge, former Massachusetts Gov. Bill Weld, former Nevada GOP Chairwoman Amy Tarkanian, and Nevada Speaker John Hambrick. Also endorsing the governor are the *Waco Tribune-Herald* and the *Corpus Christie Caller Times* of Texas.

The Kasich campaign Sunday announced it has hired Mike Schrimpf, formerly chief communicator for Illinois Gov. Bruce Rauner, to oversee its communication outreach. Kerry Knott, former chief of staff to former U.S. Majority Leader Dick Armey has been hired as the campaign's senior policy adviser.

Coming Soon: GOP candidates will next focus on Nevada, where caucuses will be held on Tuesday. A CNN debate is scheduled for Thursday, though qualifying criteria have not yet been announced.

After Nevada is a key March 1 date, when nine states hold primaries and three states hold caucuses in the so called SEC Primary. Primaries will be held that day in Alabama, Arkansas, Georgia, Massachusetts, Oklahoma, Tennessee, Texas, Vermont and Virginia. Alaska, Colorado and Minnesota have caucuses on March 1.

The Kasich-backing super PAC New Day for America on Monday announced the rollout of its national political operation which will involve more than 50 staff members and 14 officers across 12 March primary states.

Targeted states include Alaska, Arkansas, Georgia, Vermont, Virginia, Kentucky, Maine, Hawaii, Michigan, Mississippi, Ohio and North Carolina.

"Our Super PAC's focus on the ground game is unique and, just as we did in New Hampshire, we fully expect our team to impact the race for the nomination," New Day spokeswoman Connie Wehrkamp said. "We are strategically placing our focus and resources where we can make the biggest impact and ensure John Kasich, the one Republican who can win in November, is our nominee."

In a Monday Emerson poll of Massachusetts, conducted Feb. 19-21 with a 5.7 percentage point margin of error, Gov. Kasich placed third at 13%, behind Mr. Trump at 50% and Sen. Rubio at 16%.

Politics Notebook: Kasich Draws Attention For 'Kitchen' Remark, Signs PP 'Defund' Bill; Poll Shows 74% Of Ohioans Support Medicinal Pot...

Remarks from Gov. John Kasich on women leaving their kitchens to campaign for him drew quick backlash Monday, one day after the governor signed a bill to "defund" Planned Parenthood in Ohio.

The governor made the remark during a town hall in Fairfax, Va., as he sought to explain how he was elected to the Ohio Senate in 1978.

"We just got an army of people and many women who left their kitchens to go out and go door to door and put yard signs up for me," he said according to video that first caught attention.

The initial video, posted by a YouTube account that has released a handful of previous anti-Kasich videos, did not show how Mr. Kasich concluded the remark.

Subsequent video of the full remark added context, showing that Gov. Kasich went on to say that campaign occurred "all the way back when things were different. Now you call homes and everybody's out working. But at that time, early days, it was an army of the women that really helped me get elected to the state Senate."

Twitter users quickly seized upon the statement, followed closely by national media outlets.

Kasich for America spokesman Chris Schrimpf responded to the outcry, saying in a statement that the governor's campaigns have "literally been run out of his friends' kitchens and many of his early campaign teams were made up of stay-at-home moms who believed deeply in the changes he wanted to bring to them and their families."

"That's real grassroots campaigning and he's proud of that authentic support," Mr. Schrimpf said. "To try and twist his comments into anything else is just desperate politics."

The Ohio Democratic Party subsequently painted the governor as out of touch, accusing him of giving *Mad Men* television character and womanizer "Don Draper a run for his money."

The remarks came one day after the governor signed a bill (HB 294) to eliminate \$1.3 million in state funding to Planned Parenthood. (See Gongwer Ohio Report, February 10, 2016)

The Planned Parenthood Action Fund said the bill will have "devastating consequences for women" across the state.

"John Kasich is proudly eliminating care for expectant mothers and newborns; leaving thousands without vital STD and HIV testing, slashing a program to fight domestic violence, and cutting access to essential, basic health care," President Cecile Richards said. "It's clear Kasich has no regard for women's health or lives and will stop at nothing to slash health care for millions."

Ohio Right to Life, in contrast, praised the bill's signing.

"Thanks to the pro-life leadership of Gov. Kasich and his work with Ohio Right to Life, Ohio's abortion industry is shrinking," ORTL President Mike Gonidakis said. "As Planned Parenthood haggles over the hearts and brains of aborted babies, Ohio Right to Life is marking history with legislation that is both ethically consistent and fiscally responsible."

Pot Amendment: A poll released Monday by Marijuana Policy Project showed nearly three-fourths of Ohio voters support amending the constitution to legalize medical marijuana for those with terminal or debilitating petitions.

The poll, conducted by Public Policy Polling, shows that 74% of voters support a proposed amendment, with 22% opposed, according to a news release.

"It's become pretty common knowledge that marijuana can be incredibly beneficial in the treatment of a variety of medical conditions," Mason Tvert, a spokesman for Ohioans for Medical Marijuana, a committee that has been formed to support MPP's forthcoming ballot initiative, said in a statement.

"It's not surprising that a vast majority of voters agree patients should be allowed to consume it if their doctors think it could be helpful. There are few laws still on the books that are as unpopular as those that prohibit sick and dying people from accessing medical marijuana."

According to the poll, 85% of self-identified Democrats and 69% of self-identified Republicans said they supported legalizing medical marijuana.

Ohioans for Medical Marijuana is drafting a ballot initiative and expects to start the petition process later this month, according to the release. Another pro-marijuana group has already suspended its petition efforts in favor of supporting the MPP-backed proposal. (See Gongwer Ohio Report, February 19, 2016)

"Ohio's current marijuana policy is antiquated and inhumane," Mr. Tvert said. "We hope to give voters an opportunity to change that this November. We're confident that most Ohioans will support a well-written initiative that gives seriously ill people the right to use medical marijuana if their doctors recommend it."

8th Congressional District: Sen. Bill Beagle (R-Tipp City) on Sunday announced he has earned the support of Butler County Sheriff Richard Jones and Montgomery County Sheriff Phil Plummer in the race to succeed former U.S. Rep. John Boehner.

Sen. Beagle is among more than a dozen GOP candidates vying for the seat in an upcoming special election. Sen. Beagle and Rep. Tim Derickson (R-Oxford) are the two most high-profile contenders.

U.S. Senate Race: A poll from the Democratic polling outfit PPP shows U.S. Sen. Rob Portman (R-Terrace Park) battling weak approval numbers.

The poll found the senator with a 30-39% approval rating, placing him "very much in the danger zone for reelection based on those low approval numbers," according to the group.

Former Gov. Ted Strickland and Cincinnati Councilman PG Sittenfeld are competing in the Democratic primary for the chance to unseat Sen. Portman.

Mr. Sittenfeld on Friday criticized Gov. Strickland for failing to show up to a Monday event at the Cleveland City Club where Mr. Sittenfeld had hoped the candidates would debate. Gov. Strickland has repeatedly rebuffed Mr. Sittenfeld's calls for debates, saying he'd prefer to focus on competing with Sen. Portman.

Court Briefs: High Court Sets Execution Date; Visiting Judge To Hear Case; Web Site On Judicial Candidates Updated

The state's high court has set an execution date for a man convicted of the 2004 killing a Toledo woman who lived who lived in the same apartment complex.

In a 5-2 decision issued with no opinion, the court set an Oct. 17, 2019 execution date for James Frazier.

Justice Paul Pfeifer issued a dissent in the case. He was joined by Justice Terrance O'Donnell.

"At this time, the state is incapable of properly executing the 25 people for whom execution dates have previously been set. It serves no rational purpose for this court to continue to set execution dates while significant logistical obstacles remain in place and more legal challenges are likely," Justice Pfeifer wrote.

In October, the state pushed its earliest execution date back to 2017 due to difficulty in obtaining the drugs used for the lethal injection procedure. (See Gongwer Ohio Report, October 20, 2015)

The state currently has 11 executions scheduled for 2017, eight scheduled for 2018 and six scheduled for 2019.

Bipartisan legislation has been introduced in the House that would end capital punishment in Ohio. (See Gongwer Ohio Report, October 27, 2015)

Web Site Updated: Continuing the effort of Chief Justice O'Connor to create a more informed electorate when it comes to the judiciary, judicialvotescount.org has been updated to provide voters with information about the candidates that will be on the ballot this year, the court reported.

A total of 145 judicial seats will be on the ballot this year, including three Ohio Supreme Court seats, 27 court of appeals seats and 115 common pleas court seats.

The web site provides biographical information on candidates and explanations on why they are running for a particular office, according to the court.

Ran by the Ray C. Bliss Institute of Applied Politics at the University of Akron, the web site was created in the wake of 2014 survey that found many Ohio voters do not vote in judicial elections due to a lack of knowledge about the candidates, the court reported.

According to the chief justice, on average, about 25% of voters who go to the polls do not cast ballots for judicial candidates. In Cuyahoga County in 2012, she said, about 40% of voters neglected to vote for judicial candidates. (See Gongwer Ohio Report, February 11, 2016)

Other partners in the non-profit web site include Chief Justice O'Connor, the League of Women Voters of Ohio, the Ohio State Bar Association, the Ohio Newspaper Association and the Ohio Association of Broadcasters.

Visiting Judge: Tenth District Court of Appeals Judge Elizabeth Schuster will hear oral arguments Tuesday in a lawyer malpractice case.

Judge Schuster will fill in for Chief Justice Maureen O'Connor, who recused herself in the case of *Ratonek v. Roetzel & Andress*.

At issue in the case is whether a Dayton law firm can be used for malpractice for failing to pursue claims that were not in the written agreement but were discussed between the law firm and the client and whether it can be sued for malpractice if it pursues a legal claim sought by the client, but withdraws it and advises the client to seek other counsel to pursue the claim or represent themselves, according to the court.

The case stems from a malpractice lawsuit a California woman filed against another law firm after she claimed it caused her to lose \$1 million in a real estate transaction. The Dayton law firm was originally hired to represent her in that case.

Capitol Scene: Chabria To Leave Gov's Office, Join ORP; Staff Changes Announced At Buckeye Institute, AICUO, HPIO

Jai Chabria, a key executive staff member for Gov. John Kasich, is leaving the governor's office to work for the Ohio Republican Party.

Mr. Chabria has served as senior advisor to Mr. Kasich since he took office in 2011. That job entailed vetting Mr. Kasich's appointments, among other things.

"I am enormously grateful to Jai for his many years of friendship, counsel and outstanding public service to me and the people of Ohio," Mr. Kasich said in a statement. "While it is difficult to see Jai move on, I know that great things lie ahead for him in this next phase of his career. I look forward to our continued deep friendship."

Mr. Chabria's last day with the governor's staff is Friday. The Powell resident's job at ORP was described by the party as "a senior position that will oversee the preparation and planning for the Republican National Convention in Cleveland in July."

"The world spotlight will be on Cleveland in July as our party nominates the next President of the United States. It's a tremendous and exciting opportunity for Ohio," ORP Chairman Matt Borges said. "Jai is a seasoned professional with top notch experience. We are pleased to have him join our team as we plan and prepare for the convention."

AICUO: Andrew Lampkins has joined the staff of the Association of Independent Colleges and Universities of Ohio as director of external relations, the group announced recently.

He previously served dual roles with the Center for Healthy Families as the director of outreach and engagement and with Lardon & Associates as a director of business development.

Mr. Lampkins' prior experience includes serving as the community & small business manager for Vermont Energy Investment Corporation. The Otterbein University graduate

will be responsible for AICUO's affiliate member program, inter-college collaborations, events and educational programming, and the expansion of the group's member energy conservation and sustainability initiative.

Buckeye Institute: Daniel J. Dew has joined the staff of the Buckeye Institute for Public Policy Solutions as a full-time Criminal Justice Fellow, the group announced.

A published author on criminal justice issues and a former Visiting Legal Fellow at The Heritage Foundation in Washington, D.C., Mr. Dew will focus on efforts to revise Ohio's criminal code and updating the state's civil asset forfeiture law, among other things, according to the institute.

"Daniel is a national expert on criminal law, and we are pleased to bring him on to expand Buckeye's capacity to formulate sound criminal justice policy for Ohio that can be easily replicated in other states," institute President and CEO Robert Alt said in a release.

HPIO Hire: Former state employee Rebecca Sustersic has been hired as a policy analyst with the Health Policy Institute of Ohio, the group announced recently.

Reem Aly and Amy Bush Stevens have been promoted to vice president and Sarah Bollig Dorn has been promoted to manager, Health Policy and Education, the group said.

Ms. Sustersic was previously employed at the Ohio Bureau of Workers' Compensation for three years, first as a health care policy analyst and more recently as manager of medical reimbursement and coding policy, according to HPIO. She holds degrees from Ohio State University and Bowling Green State University. Ms. Sustersic also served as a Legislative Service Commission fellow in 2009.

Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to gongwer@gongwer-oh.com.

Supplemental Agency Calendar

Tuesday, February 23

Racing Commission, 77 South High St., Room 1960, Columbus, 10 a.m.

Thursday, February 25

Ethics Commission, Rm. G, 3rd Fl., 30 E. Spring St., Columbus, 12 p.m.

Supplemental Event Planner

Tuesday, February 23

Quinnipiac University to release poll of Ohio likely voters on presidential primary
Ohio senators, faith leaders, others
news conference on ending "pregnancy discrimination", Press Conf. Rm., Statehouse,
Columbus, 11 a.m.

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Senate Activity for Monday, February 22, 2016

SENATE PRESIDENT'S APPOINTMENTS

Legislative Committee on Public Health Futures: Appoint Sen. Yuko and Carla Hicks

Capitol Square Review & Advisory Board: Appoint Sen. Peterson to replace former Sen. Widener

Sunset Review Committee: Appoint Sen. Coley to replace former Sen. Widener

SIGNED BY THE GOVERNOR

SB 260

(Enacted)

CAPITAL REAPPROPRIATIONS (Coley, B.) To make capital
reappropriations for the biennium ending June 30, 2018.

Signed: February 21, 2016

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Columbus Ohio 43215

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Daily Activity Planner for Tuesday, February 23

Legislative Committees

House Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 018, 9 a.m.

- HB 455** **BOARDING SCHOOL ZONE** (Patterson, J., Roegner, K.) To authorize a municipal corporation or township to establish a boarding school zone and a special speed limit within that zone. (1st Hearing-Sponsor)
- HB 407** **BODY CAMERAS** (Boyce, K., Grossman, C.) To require law enforcement agencies that use body cameras to adopt written policies for operation of the cameras and to require agencies to make the adopted policies available to the public. (2nd Hearing-Proponent)
- HB 361** **COMMUNITY EVENT FUNDING** (Brenner, A.) To authorize boards of township trustees and boards of park commissioners to expend funds for the public purpose of presenting community events in their parks and at other recreational facilities. (3rd Hearing-All testimony-Possible amendments & vote)
- HB 375** **SNOW REMOVAL** (Brown, T., Arndt, S.) To authorize townships to require the removal of snow and ice from sidewalks abutting property and to impose a fine for failure to do so. (3rd Hearing-Opponent & interested party)
- HB 333** **BIDDING THRESHOLDS** (Schaffer, T., Hambley, S.) To increase the monetary thresholds above which competitive bidding is required for township road construction, repair, or maintenance contracts, and to increase the monetary thresholds above which a force account assessment is required for a township road construction, repair, or maintenance project. (3rd Hearing-Opponent & interested party)
- HB 378** **TRAFFIC ARRESTS** (Hambley, S., Rezabek, J.) To authorize law enforcement officers of township police districts and joint police districts, and township constables, serving specified small populations to make arrests for motor vehicle-related violations committed on an interstate highway in the same manner as township law enforcement officers serving larger populations. (3rd Hearing-Opponent & interested party)
- HB 413** **EXECUTIVE SESSION** (Brinkman, T.) To add to the purposes for which a board of township trustees may go into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to make other changes to the township laws, to allow taxing units to use the proceeds of a

fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds. (3rd Hearing-Opponent & interested party)

HB 462

POLICE DISTRICT (Hagan, C., Sprague, R.) To establish a joint police district, to modify the membership of a joint police district governing body, to expand the offense of solicitation to also apply to a person who agrees with another to engage with the other person in sexual activity for hire, to provide that the "prescription exemption" from the drug possession offenses does not apply to a person who uses more of the drug than the maximum prescribed amount per day or the maximum amount to be used within the prescription timeline or who administers or takes the drug in a manner not prescribed by the prescribing health professional, and to provide immunity from civil liability to a peace officer who administers naloxone to a person who is apparently experiencing an opioid-related overdose. (1st Hearing-Sponsor)

Senate Ways & Means (Committee Record) (Chr. Peterson, B., 466-8156), South Hearing Rm., 9 a.m.

HB 9

TAX EXPENDITURES (Boose, T.) To create a Tax Expenditure Review Committee for the purpose of periodically reviewing existing and proposed tax expenditures. (3rd Hearing-All testimony)

SB 264

TAX HOLIDAY (Bacon, K.) To provide for a permanent three-day sales tax "holiday" each August during which sales of back-to-school clothing and school supplies are exempt from sales and use taxes. (2nd Hearing-All testimony-Possible amendments & vote)

HB 233

REDEVELOPMENT DISTRICTS (Schuring, K.) To authorize municipal corporations to create downtown redevelopment districts and innovation districts for the purposes of promoting the rehabilitation of historic buildings, creating jobs, encouraging economic development in commercial and mixed-use areas, and supporting grants and loans to technology-oriented and other businesses. (3rd Hearing-All testimony-Possible amendments & vote)

House Transportation & Infrastructure (Committee Record) (Chr. Boose, T., 466-9628), Rm. 122, 9:30 a.m.

SB 182

ROAD NAMING (Balderson, T., Peterson, B.) To designate a portion of United States route twenty-three within Pickaway County as the "Army Specialist Gerald R. Jenkins Memorial Highway" and a portion of United States route sixty-two within Pickaway County as the "Army PFC Kevin C. Ott Memorial Highway." (1st Hearing-All testimony-Possible amendments, substitute & vote)

HB 461

LICENSE PLATE (Roegner, K.) To establish the Cuyahoga Valley National Park license plate and to require a \$15 contribution for the issuance of the license plate. (1st Hearing-Sponsor)

Senate Insurance (Committee Record) (Chr. Hottinger, J., 466-5838), South Hearing Rm., 10:30 a.m.

HB 207 **WORKERS COMPENSATION (Henne, M., McColley, R.)** To allow a state fund employer to have a workers' compensation claim that is likely to be subrogated by a third party paid from the surplus fund account in the state insurance fund rather than charged to the employer's experience (1st Hearing-Sponsor)

SB 273 **CORPORATE GOVERNANCE (Bacon, K.)** To enact the Corporate Governance Annual Disclosure Act. (1st Hearing-Sponsor)

SB 27 **FIREFIGHTER CANCER (Patton, T.)** To provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter. (3rd Hearing-Opponent & interested party)

House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 11 a.m.

Senate Public Utilities (Committee Record) (Chr. Seitz, B., 466-8068), North Hearing Rm., 11 a.m.

- **Confirmation hearing on governor's appointment of Andre Porter, chairman, Public Utilities Commission of Ohio**

House Rules & Reference (Committee Record) (Chr. Amstutz, R., 466-1474), Rm. 119, 11:30 a.m. or after session

Senate Rules & Reference (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11:30 a.m.

House Ways & Means (Committee Record) (Chr. McClain, J., 644-6265), Rm. 121, 1:30 p.m. or after session

HB 334 **TAX EXEMPTION (Buchy, J.)** To exempt memberships to gyms or other recreational facilities operated by nonprofit organizations from sales and use taxation. (3rd Hearing-All testimony-Possible amendments & vote)

HB 297 **TAX CREDIT (Hill, B.)** To authorize a refundable income tax credit for current livestock owners who invest in a manure storage or treatment facility or acquire manure application equipment or manure handling and transportation equipment. (2nd Hearing-Proponent)

House Government Accountability & Oversight (Committee Record) (Chr. Brown, T., 466-8104), Rm. 114, 1:30 p.m.

HB 444 **ALCOHOL SAMPLES (Blessing, L.)** To allow certain D liquor permit holders to provide free tasting samples of beer, wine, and spirituous liquor to a person who is 21 years old or older and a paying customer of the permit holder. (1st Hearing-Sponsor)

HB 351 **LIQUOR LAWS (Perales, R., DeVitis, T.)** To increase the amount of spirituous liquor that an A-3a liquor permit holder may annually manufacture and to allow an A-3a permit holder to obtain an A-1-A liquor permit. (6th Hearing-All testimony-Possible amendments & vote)

HB 278 **HUMANE SOCIETIES** (Hambley, S.) To require approval by the board of county commissioners, instead of the probate judge, of appointments of agents by county humane societies outside a municipal corporation, to specify that a county humane society is a political subdivision, to make its directors, agents, officers, and employees subject to the Ethics Law, and to increase the salaries paid to the agents. (3rd Hearing-Opponent)

Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.

House Education (Committee Record) (Chr. Brenner, A., 466-6711), Rm. 121, 2 p.m. or after session

- SB3 and ODE presentation removed from the agenda

HB 441 **SCHOOL ACTIVITIES** (McColley, R.) To permit a student enrolled in a nonpublic school to participate in interscholastic activities at a school district that is not the student's resident district under certain circumstances and to prohibit a student who participates in the College Credit Plus program from being denied the opportunity to participate in interscholastic athletics solely due to participation in the program. (1st Hearing-Sponsor)

HB 383 **FINANCIAL LITERACY** (Hagan, C., McColley, R.) To require one-half unit of economic and financial literacy in the high school social studies curriculum, to require the Chancellor of Higher Education to prepare an informed student document for each state institution of higher education, to require the State Board of Education to include information on the informed student document in the standards and model curricula it creates for financial literacy and entrepreneurship, and to entitle the act the "Informed Student Document Act." (2nd Hearing-Sponsor)

HB 401 **PRIVATE SCHOOLS** (Brinkman, T.) With regard to requirements for chartered nonpublic schools. (3rd Hearing-Proponent)

HB 410 **TRUANCY** (Rezabek, J., Hayes, B.) With regard to habitual and chronic truancy and compulsory school attendance. (3rd Hearing-All testimony)

Senate State & Local Government (Committee Record) (Chr. LaRose, F., 466-4823), North Hearing Rm., 2:30 p.m. or after session

SB 257 **REAL PROPERTY** (Seitz, B., Skindell, M.) To create a presumption of validity of recorded real property instruments, reduce the time period for curing certain defects related to those instruments, and provide constructive notice for those instruments. (1st Hearing-Sponsor)

HB 359 **ADDRESS CONFIDENTIALITY** (Duffey, M., Gonzales, A.) To create an address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery. (1st Hearing-Sponsor)

HB 158 **DISABILITY TERMS** (Dever, J., Howse, S.) To change the variations of the term "mentally retarded" to "person with an intellectual disability." (1st Hearing-Sponsor)

- HB 242** **DAY DESIGNATION** (Hagan, C., Dever, J.) To designate the fourth Sunday of July as Blue Star Mothers Day. (2nd Hearing-All testimony-Possible vote)
House Judiciary (Committee Record) (Chr. Butler, J., 644-6008), Rm. 116, 3:30 p.m.
- HB 347** **CIVIL FORFEITURES** (McColley, R., Brinkman, T.) To eliminate civil asset forfeiture proceedings and to modify the law governing criminal asset forfeitures. (7th Hearing-Possible amendments & vote)
- SB 215** **VEHICLE FORCIBLE ENTRY** (Hughes, J., LaRose, F.) To grant a person immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle because the minor or the animal is in imminent danger of suffering harm. (1st Hearing-Sponsor)
- HB 446** **OVI OFFENSES** (Manning, N.) To specify that the prison term that may be imposed for a third degree felony operating a vehicle while intoxicated ("OVI") offense is a definite period of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months, to add "harmful intoxicant" to the definition of "drug of abuse" for the purposes of commercial driver's licensing law, to allow a person to assert the existing affirmative defense of driving in an emergency with regard to a prosecution for driving under a suspended driver's license under specified laws, and to specify that certain enhanced penalties for speeding violations apply regardless of whether the offender previously has been convicted of or pleaded guilty to speeding. (1st Hearing-Sponsor-Possible amendments)
- HB 451** **PROTECTION ORDERS** (Boose, T.) To provide that an individual's statutory priority to decide whether or not to withhold or withdraw life-sustaining treatment for the individual's relative is forfeited if the individual is the subject of a temporary protection order or civil protection order and the relative is the alleged victim or if the individual and the relative are married and the parties to a divorce, dissolution, legal separation, or annulment proceeding. (2nd Hearing-Sponsor-Possible amendments)
- HB 439** **VOYEURISM** (Anielski, M.) To include an impaired person as a victim of voyeurism and to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance. (2nd Hearing-Proponent)
- HB 432** **ESTATE LAW** (Rezabek, J.) To revise the law governing decedent's estates by making changes in the Ohio Trust Code, the Probate Law, the Uniform Principal and Income Act, the Transfers to Minors Act, and the Uniform Simultaneous Death Act. (2nd Hearing-Proponent)
- HB 436** **DUI SENTENCES** (Cupp, R., Rogers, J.) To authorize a judge that grants limited driving privileges to a second-time OVI offender to order the termination of the mandatory immobilization order. (2nd Hearing-Proponent)
- HB 222** **TRANSIT WORKER ASSAULTS** (Driehaus, D., Perales, R.) To increase the penalty for assault when the victim is an employee of an Ohio transit

system whom the offender knows or has reasonable cause to know is such an employee engaged in the performance of the victim's duties; to permit the court to impose a fine of up to \$5000 and a six-month or lifetime prohibition from riding an Ohio transit system for assault committed in such specified circumstances; to authorize Ohio transit systems to post a warning sign indicating that abuse or assault of staff will not be tolerated and might result in a felony conviction; and to increase the penalty for evading payment of the known fares of a public transportation system. (2nd Hearing-Proponent)

HB 363

JUVENILE HEARINGS (Reece, A.) To require restraints to be removed from an alleged or adjudicated delinquent child prior to the commencement of a juvenile court hearing or proceeding unless the court determines that the use of restraints is necessary to prevent physical harm to the child or another person or to prevent the child from escaping. (2nd Hearing-Proponent)

House Armed Services, Veterans Affairs & Public Safety (Committee Record) (Chr. Johnson, T., 466-2124), Rm. 017, 3:30 p.m.

HB 173

VETERAN IDENTIFICATION (Anielski, M., Terhar, L.) To authorize county recorders to issue Ohio veterans identification cards. (4th Hearing-All testimony-Possible substitute & vote)

HB 295

LICENSE PLATE (Ruhl, M.) To create the "Global War on Terrorism Civilian Service Medal" license plate. (2nd Hearing-All testimony-Possible vote)

HB 104

LICENSE PLATE DISPLAY (DeVitis, T.) To specify that failure to display a license plate on the front of a motor vehicle that is required to display a license plate on the front and rear of the vehicle is a secondary traffic offense, to establish a maximum fine of \$25 for such an offense, and to amend the version of section 4503.21 of the Revised Code that is scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date. (3rd Hearing-Possible vote)

HB 388

OVI OFFENSES (Scherer, G.) To authorize a court to grant unlimited driving privileges with an ignition interlock device to first-time OVI offenders, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses. (3rd Hearing-All testimony)

Sunset Review Committee (Committee Record) (Chr. Brown, T., 466-8104), South Hearing Rm., 3:30 p.m.

- **Agency reports from Reclamation Commission, Reclamation Forfeiture Fund Advisory Board, Board of Cosmetology, Optical Dispensers Board, Child Care Advisory Council, Child Support Guideline Advisory Council, Children's Trust Fund Board, Unemployment Compensation Advisory Council, State Victims Assistance Advisory Committee, Ohio Expositions Commission, Data Collection and Analysis Group, Dentist Loan Repayment Advisory Board, Help Me Grow Advisory Council, Hospital Measures Advisory Council, Infant Hearing Screening Subcommittee, Infection Control Group, Intergovernmental Council**

and Advisory Panel of the Lupus Educational and Awareness Program, Legislative Committee on Public Health Futures, Maternity and Newborn Advisory Council, Medically Handicapped Children's Medical Advisory Council, Physician Loan Repayment Advisory Board, Radiation Advisory Council, The Director of Health's Advisory Group on Violent Deaths, The Director of Health's Committee on Concussions and Head Injuries Sustained by Athletes, Council to Advise on the Establishment and Implementation of the Birth Defects Information System and Ohio Medical Quality Foundation

Agency Calendar

Board of Landscape Architects, 77 S. High St., 31st Flr. Board Room, Columbus, 9 a.m.

Southern Ohio Agricultural & Community Development Foundation, Foundation Office, 100 S. High St., Hillsboro, 9:30 a.m. (Agriculture Development Subcommittee)

Racing Commission, 77 South High St., Room 1960, Columbus, 10 a.m.

Southern Ohio Agricultural & Community Development Foundation, Foundation Office, 100 S. High St., Hillsboro, 11:30 a.m. (Educational Subcommittee)

Public Facilities Commission, 35th Fl., 30 E. Broad St., Columbus, 4 p.m.

Event Planner

Nevada Republican caucuses

Ohio Federation of Soil and Water Conservation Districts' (OFSWCD) 73rd annual conservation partnership conference, Renaissance Hotel, 50 N. 3rd St., Columbus
Quinnipiac University to release poll of Ohio likely voters on presidential primary
Cincinnati USA Regional Chamber Legislative Breakfast Reception, Athletic Club of Columbus, 136 E. Broad St., Columbus, 9:30 a.m.

Ohio senators, faith leaders, others news conference on ending "pregnancy discrimination", Press Conf. Rm., Statehouse, Columbus, 11 a.m.

Rep. John Bocchieri (D-Poland) fundraiser, The Chintz Room, 121 S. High St., Columbus, 5 p.m., (Sponsor: \$1,000, \$500, \$250 to John Bocchieri for Ohio Committee)

Ohio Council of Retail Merchants annual legislative reception, The Lounge at the Athletic Club of Columbus, 136 E. Broad St., Columbus, 5 p.m.

Sen. Peggy Lehner (R-Kettering) fundraiser, Athletic Club of Columbus, Tally Ho Room, 136 East Broad Street, Columbus, 5 p.m., (Event Host \$1,000, Event Sponsor \$500, Individual \$350 to Citizens for Lehner)

Sen. Frank LaRose (R-Copley) fundraiser, Athletic Club of Columbus, The Gold Room, 136 East Broad Street, Columbus, 5 p.m., (Event Host \$1,000, Event Sponsor \$500, Individual Attendee: \$350 to LaRose for Senate)

Rep. Stephen Slesnick (D-Canton) fundraiser, The Chintz Room, 121 S. High St., Columbus, 5 p.m., (Sponsor: \$1,000, \$500, \$250 to Committee to Elect Stephen Slesnick)

Rep. Jim Butler (R-Oakwood) and Sen. Bill Seitz (R-Cincinnati) fundraiser, Athletic Club of Columbus, Parlor A/B, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Butler for Ohio and/or Seitz for Senate Committee)

Conservative Energy Day Reception, Statehouse Museum Gallery, Columbus, 5:30 p.m., (RSVP to Mike Hartley at mike@swingstatestrategies.com)

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Sent: Tuesday, February 23, 2016 3:57 PM
To: Nick Derksen
Subject: Fwd: Ohio Report, Monday, February 22, 2016
Attachments: Feb22House.htm; ATT00001.htm; Feb22.htm; ATT00002.htm; Feb22Senate.htm; ATT00003.htm; 160222dayplan.htm; ATT00004.htm

Nick Derksen

Begin forwarded message:

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To: <Nick.Derksen@ohiohouse.gov>
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Ohio Report for Monday, February 22, 2016

Higher Education MBR Expands Community College Options,
Implements Affordability Recommendations

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Sabato Mull Potential Rubio-Kasich Ticket

Politics Notebook: Kasich Draws Attention For 'Kitchen' Remark,
Signs PP 'Defund' Bill; Poll Shows 74% Of Ohioans Support
Medicinal Pot...

Court Briefs: High Court Sets Execution Date; Visiting Judge To Hear
Case; Web Site On Judicial Candidates Updated

Capitol Scene: Chabria To Leave Gov's Office, Join ORP; Staff
Changes Announced At Buckeye Institute, AICUO, HPIO

Gongwer Statehouse Job Market Updated

Supplemental Agency Calendar

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Activity Reports

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House Activity for Monday, February 22, 2016

INTRODUCED

HB 471 ■ **COMMISSION ELIMINATION** (Brown, T.) To formally abolish certain boards and commissions that have completed their work and to abolish the Compact with Ohio Cities Task Force.

HB 472 ■ **RENEWABLE ENERGY** (Strahorn, F.) To unfreeze the requirements for renewable energy, energy efficiency, and peak demand reduction, to permit changes in and Public Utilities Commission action on electric distribution utility portfolio plans in 2016, to revise the setback requirement for economically significant wind farms, and to repeal the setback requirement for wind farms of fifty megawatts or more.

CALENDAR FOR COMING SESSION

SB 124 ■ **AWARENESS DAY/MONTH** (Thomas, C.) To designate May as "Asthma Awareness Month" and to designate May 5 as "Childhood Asthma Awareness Day."

HB 241 ■ **MONTH DESIGNATION** (Grossman, C., Curtin, M.) To designate the month of September as "Hunger Action Month."

HB 290 ■ **TERMINAL PATIENTS** (Sprague, R., Anielski, M.) To permit a physician to treat a terminally ill patient with a drug that is not approved by the United States Food and Drug Administration and permit a drug manufacturer to provide such a drug to the patient or physician.

HB 305 ■ **RETIREMENT SYSTEMS** (Schuring, K.) To include new nonteaching employees of The University of Akron as members in the Public Employees Retirement System and to make an appropriation for the University's School Employees Retirement System employer surcharge payments.

HB 325 ■

DRUG ADDICTION TREATMENT (Green, D., O'Brien, S.) Regarding encouraging pregnant women who are addicted to controlled substances to seek treatment.

HCR 21 ■

DD EMPLOYMENT SERVICES (Romanchuk, M., Antonio, N.) To urge the Congress of the United States to request that the federal Centers for Medicare and Medicaid Services revise its guidance on employment services for individuals with developmental disabilities to maintain their right to participate in programs offered by facility-based day programs, training centers and sheltered workshops.

SIGNED BY THE GOVERNOR

HB 294 ■

(Enacted)

ABORTION (Patmon, B., Conditt, M.) To require the Department of Health to ensure that state funds and certain federal funds are not used either to perform or promote nontherapeutic abortions, or to contract or affiliate with any entity that performs or promotes nontherapeutic abortions; to provide for health departments and WIC clinics to determine presumptive eligibility for pregnant women and children; and to allocate existing funding within the Ohio Department of Health's budget to the Ohio Association of Community Health Centers for safe sleep, birth spacing, and smoking cessation initiatives.

Signed: February 21, 2016

Gongwer Coverage

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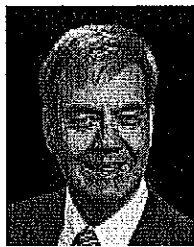
Volume #85, Report #34 -- Monday, February 22, 2016

Higher Education MBR Expands Community College Options, Implements Affordability Recommendations

The administration continues its focus on lowering the cost of college degrees in a higher education mid-biennium review plan unveiled Monday.

The proposal would allow community colleges to offer up to 10 bachelor's degree programs and would create a pilot program in which high school students can receive college credit for math and English remediation courses.

Among other MBR provisions Chancellor John Carey announced at a press event at Lorain County Community College, universities would be required to implement a handful of recommendations from the governor's Task Force on Affordability and Efficiency in Higher Education. (Fact Sheet)



John Carey

"The issue of college affordability is more important than ever. Across the country, the cost of college has far outpaced consumer price index and even healthcare costs. That cost has put the American dream of a college degree out of reach for a growing number of students and families. This is unacceptable," Mr. Carey said.

"Controlling college costs to ensure that more Ohioans can obtain a college degree or credential remains a top priority for Governor Kasich and the General Assembly."

Additional provisions in the bill that Rep. Tim Brown (R-Bowling Green) is expected to introduce on Tuesday include:

- Requiring the Department of Education to study income-sharing agreements as a possible strategy to reducing student loan debt.
- Becoming the 10th state to join the Midwest Exchange Program, which is a tuition reciprocity program that would allow students to enroll in programs at other

states' institutions at a tuition rate that's lower than what typical out-of-state students would pay.

- Creating more "3+1" pathways between two- and four-year institutions so that students are studying at cheaper community colleges longer.
- Joining a partnership with the Western Governors University to award degrees in four areas based on competency and not just the amount of time spent in the classroom.

Joining Mr. Carey were higher education leaders who applauded the plans to expand efforts to reduce higher education costs by supporting dual enrollment programs and pushing collaboration between universities and colleges.

Other speakers included: Lorain County Community College President Roy Church; Sinclair Community College President Steve Johnson; Ray Craig, dean of Bowling Green State University's College of Arts and Sciences; Frank Calzone, vice president of government affairs at the University of Toledo; Sen. Gayle Manning (R-N. Ridgeville); and two LCCC students.

In particular, they spoke to the success of 3+1 programs and pointed at the MBR plans as a necessary step toward bringing the initiative to scale statewide.

Mr. Church said students at his two-year institution have saved millions of dollars and shaved years off their higher education careers by taking at least 75% of their classes there before earning a bachelor's degree from a university.

"You can use College Credit Plus and 3+1 and we can assure you that you can graduate with a bachelor's degree by age 20 at less than 20% of the cost of taking that same baccalaureate degree if you had to leave Lorain County and go to (a university offering a) four-year degree," he said. "It's not saying one pathway is better than another, it's saying we need all the pathways we can get in Ohio."

Universities are also supportive of plans to move students more quickly through higher education and at a lower cost, Mr. Craig said.

Bowling Green has been among those schools offering a 3+1 program for more than a decade and CCP has brought some first generation students to the university that may have never pictured themselves there otherwise, he said.

"We've been doing this already for well over a decade. We know that it works. It can be successful for our citizens, our universities and community colleges," Mr. Craig said.

Messrs. Church and Craig said they're hopeful that state support for the program will give it the push it needs to mount in the same way dual enrollment has since the Department of Higher Education and ODE began pushing CCP last year.

Mr. Johnson added that community colleges offering bachelor's degrees that aren't available at nearby universities will also be beneficial because it will allow them to offer credentials in career fields that are specific to the region.

Twenty-five other states permit community colleges to offer advanced degrees, he said.

"This is the kind of policy bill that will help us move forward," Mr. Johnson said, referring to Lumina Foundation research that has determined Ohio needs to increase its percentage of residents with a post-secondary degree from 35% to 65% to fill job demands in the coming years.

When the MBR plan was revealed, Jack Hershey, president of the Ohio Association of Community Colleges, also touted its potential benefits.

"These reforms proposed today shine the light on a pathway that has emerged under Governor Kasich that allows students to obtain a degree from their favorite university, while saving up to 80% off the traditional cost of attendance by completing as much of their coursework as possible at a community college," he said in a statement. "The ability for middle class families, single parents, and working adults to obtain a debt-free college degree is once again a reality in Ohio."

Inter-University Council of Ohio President Bruce Johnson said the organization is still examining the proposals to determine its stance, but is supportive of the administration's ongoing efforts to expand higher education options.

"Overall, I think that we appreciate the chancellor's focus on affordability and access and we think that a large and growing percentage of students who are entering public institutions of higher education are choosing public universities and that's because of their evaluation of the value that public universities provide," he said in an interview.

"Certainly providing really good, high-quality choices is great because the state needs to focus on bridging its education gap," Mr. Johnson added.

Education 'Deregulation' Bill Amendments On Hold, Chairman Says

A bill slated for a number of revisions, including holding charter school sponsors harmless for report card scores, has been pulled from the House Education Committee's agenda.

Chairman Rep. Andy Brenner (R-Powell) said last week that the measure (SB 3) would see "quite a few" changes over the course of back-to-back meetings scheduled for Monday afternoon and Tuesday morning. (See Gongwer Ohio Report, February 19, 2016)

However, the Monday meeting was canceled late last week and Tuesday's has been moved to 2 p.m. The bill and a presentation from the Department of Education were removed from the agenda of the latter meeting.

The delay is caused by a desire on behalf of the legislature and the administration to continue working on the bill before any changes are made public, Rep. Brenner said. He expects any disagreements to be resolved by the time the House returns to session the week of March 14.

"Hopefully we'll get the issues resolved between now and when we come back," he said in an interview.

The chairman was reluctant to reveal what the planned omnibus amendment will include or what proposals are proving to be the most contentious, but said changes will address policy decisions made in the last year.

Despite reports that the proposals would seek to weaken recently enacted charter school overhauls, Rep. Brenner said he doesn't think that's the case.

"There is a discussion of some other issues around equivalency, but that goes back to prior legislation," he said.

Sen. Peggy Lehenr, the Senate Education Committee chairwoman who was behind a number of the HB2 provisions, said attempts to water them down have been unsuccessful.

"I haven't heard of anything that's giving me heartburn," she said of potential updates to the so-called education de-regulation bill. "I know that there have been efforts to put some things in but to my knowledge they're not going in the bill and therefore I'm fine with it."

The chairwoman added that she's supportive of plans to provide safe harbor for charter school sponsors from state report card grades as long as it's only for the 2014-15 school year.

In its original state, the measure is aimed at rewarding high-performing school districts by releasing them from some state requirements.

Former Lawmakers Look To Replace Faber In The Senate

Matt Huffman and John Adams, both of whom left the House in 2014 due to term limits, are running for the seat that comprises Allen, Champaign, Shelby and Mercer counties along with portions of Auglaize, Logan and Darke counties.

Mr. Adams, a businessman and former Navy SEAL, did not respond to multiple attempts to contact him.

Mr. Huffman, a private attorney who rose to the ranks of speaker pro tempore in his first tenure in the legislature, said he has always been drawn to public service.

Prior to his time in the General Assembly he served on the Lima City Council for 14 years, including seven as the body's president.

"If you feel like you can contribute you need to do that in whatever way you can," Mr. Huffman said.

If elected, Mr. Huffman said he hopes to boost manufacturing in the district through increased vocational training and remove disincentives to work.

"We can't fill jobs," he said. "We have jobs that are going unfilled."

More educational dollars should be spent on vocational training and less should be spent on welfare programs, according to Mr. Huffman.

"We understand that in bad times people lose their jobs and they need a little bit of a boost," he said, but added, "Everybody has to do a job at some point in their life that they don't like."

Mr. Huffman also said he will push for a more business-friendly climate in Ohio by fighting efforts to raise revenues through what he deems as backdoor tax increases - "retroactive fines, penalties, things of that nature," he said.

"There should never be a surprise from the government that money is owed by a business, especially when there is a newly acquired business," he said.

Providing clarity in the rule-making process and moving from an income tax to a sales tax are also priorities of Mr. Huffman.

During his first stint in the legislature, Mr. Huffman said one of his crowning achievements was the passage of legislation to standardize contracts between health care providers and insurance companies (HB125, 127th General Assembly). He said the law could likely use some updating.

"Six years since that bill was passed there's been a lot of backsliding in that regard," he said.

Mr. Huffman, who considers himself to be a "small government, pro-low tax, pro-life, pro-second amendment Republican," believes he has a proven track record of getting things done in the Statehouse that would be of value to the legislature.

"You can be whatever you say you want to be, but you also have to be effective," he said. "That's why we were able to pass a pretty conservative agenda."

During his tenure in the House, Mr. Adams was considered among the more right-leaning members of a conservative majority under then-Speaker Bill Batchelder. He was elected twice to serve in caucus leadership.

Along with the usual conservative causes such as tax cuts and anti-abortion initiatives, Mr. Adams was a staunch proponent of oil and gas drilling in parks and other state lands and sponsored legislation to that effect (HB133, 129th General Assembly).

His anti-abortion efforts included a bill to require paternal consent for abortions (HB252, 128th General Assembly).

Outside of his General Assembly activities, Mr. Adams served as the Ohio legislative chair of American Legislative Exchange Council.

No Democrat filed to run for the heavily Republican seat.

After One Candidate Drops Out, Three Republicans Face Off In House District 47 Primary

An ex-mayor, a school board member, and a Toledo business owner are elbowing for a shot at the 47th House District seat occupied by term limited Rep. Barbara Sears (R-Maumee).

A fourth GOP contender - Monclova Township trustee and Mercy St. Vincent Foundation Development Director Barbara Lang - last month dropped out of the race following discussions with party leaders, saying a crowded primary is not in voters' best interest.

Among the remaining candidates are realtor and former Waterville Mayor Derek Merrin, Sylvania school board member Vicki Donovan Lyle, and business owner and former Sylvania township trustee Kevin Haddad.

The winner of that contest will face Democrat Michael Sarantou of Sylvania Township come November.

The trio of GOP candidates spoke in interviews about their goals for the district if elected.

Mr. Merrin, who has earned endorsements from Rep. Sears, Rep. Rob McColley (R-Napoleon), and Sen. Randy Gardner (R-Bowling Green), served on the Waterville City Council between 2007-2008

He was first elected in 2007, unseating a three-term Democrat and becoming the youngest mayor in Ohio at the time when he took office in 2008. He credits that win to a message of fiscal conservatism and open government.

"I governed as a strong fiscal conservative who opposed tax increases," he said. "I implemented many cost savings reforms. I'm a strong believer we must empower our local officials by addressing state laws that restrict their ability to govern."

After his term ended and he decided not to seek reelection, he spent four years working for the state auditor's office and is now a realtor and real estate investor.

"My number one priority will be creating an environment that ignites Ohio's economic engine," he said. "I believe our state needs pro-growth reforms to our tax code, regulatory rules, and legislation that furthers individual freedoms."

Ms. Lyle has served on the Sylvania school board since 2004 and owns a business specializing in health insurance and benefit consulting.

She said her experience as a school board member overseeing a district with an \$82 million budget has given her an appreciation for public office and the accountability that comes with it.

"We're expected to keep ourselves fiscally solvent and responsible and accountable in a transparent way to the community," she said. "All of those critical pieces are part of what any good elected official (does) in terms of having that kind of background and experience that's going to translate to the bigger stage."

She said she wants to reduce the state's role in the classroom, by decreasing standardized testing and "teaching to the test." Other priorities include better matching job opportunities with potential workers and addressing the financial burden she said is placed on individuals and businesses to secure healthcare.

If elected, she said, she'd focus on being open and accessible to constituents.

"I've had 30-plus years in the workforce having my own business as a small business owner," she said. "In addition to that, I think my time on the school board has served me well to understand that listening is a primary component for an elected official. It's not about our agenda, but what are the concerns for our constituents."

Mr. Haddad is a former president of the Township Association of Lucas County. He's also a real estate owner and for 40 years owned and operated a Toledo hair salon.

After being elected township trustee in 2009, Mr. Haddad lost reelection in 2013. He previously mounted a failed bid as an independent in 2012 for a county commissioner seat. After finding difficulty winning local races as a conservative, he said, he believes he'll have greater odds in a Statehouse race.

"For me, it's not about the job, not about the money," he said. "It's about fixing the state up before it gets wiped out."

He said he wants to reverse cuts to the local government fund enacted in recent years, but also institute new accountability measures to monitor how those funds are used.

"If we restore the local government fund in a way that would go to each community - I'm not going to give it to the counties - I'm going to ask a lot of people give us your budget

and we're going to audit you to make sure you spent that money properly on those issues," he said.

He said he'd push for an elimination of school levies, which he contends are "illegal and unconstitutional."

Mr. Merrin alleges his two opponents aren't conservatives and said he has widespread support in the district. He said he wants to better control government spending while lowering taxes.

"I'm the only conservative that is running," Mr. Merrin said, claiming that his opponents each "have a record of voting and supporting increased taxes."

"I'm the only candidate that has consistently opposed tax increases as an elected official," he said.

Ms. Lyle, in response, said her opponent was likely referring to a series of school levies voters had approved during her time on the school board. She said the board worked to ensure citizen comments were received when weighing potential cost savings efforts and levy proposals.

Like with all school levies, she said, it's not the school board approving the property tax increase but the voters. She said she would prefer no taxes be increased, but that the board is forced to act within the confines of the current funding system.

"We take every effort and every opportunity to be judicious and fiscally responsible and conservative as we can; we value and appreciate the taxpayers' investment," she said. "But we also understand we are limited in our options of how to raise revenue - of which that is one. So it is the voters who decide, not the school board, as to whether (an increase in) taxes will be put in place."

Mr. Haddad said he was able to pass three of his four priorities as a township trustee and that several cost saving measures he proposed were voted down by other trustees.

He criticized Mr. Merrin for his handling, while mayor, of an ordinance that would have barred sex offenders from living in certain parts of the city. The ordinance, which Mr. Haddad contends would have concentrated sex offenders in a handful of neighborhoods, was later scrapped by the city council in a 6-1 vote in 2008 following public opposition.

"When I was a trustee, I worked conservatively," Mr. Haddad said. "I can foresee the future on a lot of issues and I look at every angle of it and I make sure it's done as properly and accurately as possible so we don't have any problems."

Subscribers Note: These stories are part of a series on contested primaries heading into the March 15 election. Updated candidate lists and related information are available on the [Gongwer Elections Page](#).

Kasich Jostles With Rubio For Bush Donors Following SC; Graham, Sabato Mull Potential Rubio-Kasich Ticket

Unlike Gov. Bush, the Kasich camp made clear early on it did not have high hopes for South Carolina, instead preferring to lay groundwork in friendlier upcoming Midwestern states like Michigan. Mr. Bush announced Saturday night he was suspending his campaign, a move that enabled Kasich backers to tout their candidates as the last governor standing.

Kasich for America Chief Strategist John Weaver said the South Carolina results show the field has been winnowed to a four man race and that Gov. Kasich has emerged victorious from the "governor's bracket."

"Only four candidates have top-three finishes in any of the early states and can justify staying in," he said. "While others were making their last stand in South Carolina, John Kasich strengthened his organization and support - despite being outspent by tens of millions of dollars. He also focused on the key states ahead for us, like Michigan, where he is currently second, Massachusetts and Vermont."

But Gov. Kasich faces an uphill battle jostling with Sen. Rubio to pick up remnants from Mr. Bush's failed campaign; those donors and staffers may be more drawn to the senator, who has raised more money and seen more success in the Iowa caucuses and SC primary than Gov. Kasich.

"John Kasich may be able to compete in places such as Massachusetts and Michigan in early March, and hang on to win Ohio with the hope that his delegates prove crucial," according to analysis from Sabato's Crystal Ball. "But he just isn't built to play in enough states, nor does he have a broad enough appeal in the GOP, to truly challenge for the nomination."

"Most mainstream Republicans will sooner or later move to Rubio, but will it be soon enough? He can't keep on finishing second or third - or fifth, as he did in New Hampshire. You have to start winning, but where?"

On Monday, former candidate and Bush backer Sen. Lindsay Graham mused during an interview that a Rubio-Kasich ticket "would be (a) very potent ticket in the fall and maybe help us stop Trump."

Added Sabato's Crystal Ball: "Rubio might want to consider a daring gambit - openly offering Kasich the vice presidential slot in exchange for the Ohio governor's support."

Gov. John Kasich finished fifth out of six candidates in the South Carolina Republican primary Saturday, landing far behind winner Donald Trump. Mr. Trump won 32.5% of the vote, while Mr. Kasich won the support of 7.6% of voters.

Sen. Rubio won a narrow second place victory at 22.5%, followed by Sen. Ted Cruz at 22.3%. Gov. Kasich fell just short of former Florida Gov. Jeb Bush, who came in fourth with 7.8%. Retired neurosurgeon Ben Carson earned 7.2% of the vote.

The Kasich campaign is banking on a successful showing in Michigan, where a weekend American Research Group poll ranked him in second at 17%, above Sens. Rubio and Cruz, who were each at 12%.

The Kasich campaign on Monday announced its Michigan team (full roster), which will be chaired by former congressman Pete Hoekstra, State Senate Majority Leader Arlan Meekhof, State House Speaker Pro Tempore Tom Leonard, and former RNC committeeman Chuck Yob.

With the field narrowing, Gov. Kasich is expected to face increasing calls to withdraw in an effort to consolidate support behind Sen. Rubio among establishment figures who hope to mount an effort to thwart Mr. Trump and Sen. Cruz from landing the nomination. Gov. Kasich's continued presence may siphon support that might otherwise be thrown at the freshman senator from Florida.

Kasich Gains/Loses Endorsements: On Sunday, the *Columbus Dispatch* reported that Kasich campaign Colorado co-chair B.J. Nikkel is endorsing Sen. Rubio. The paper quoted the former state lawmaker as saying "it's time for conservatives of conscience to rally behind the one man who can defeat New York billionaire Donald Trump."

At the same time, billionaire financier Stanley Druckenmiller threw his support behind Gov. Kasich, according to the *New York Times*.

"Mr. Druckenmiller confirmed in an email that he was supporting Mr. Kasich, but did not elaborate," the paper reported. "Last year, he donated more than \$450,000 to groups supporting Mr. Kasich, Gov. Chris Christie of New Jersey and former Gov. Jeb Bush of Florida."

It remains to be seen who, if anyone, Mr. Bush might endorse. A *Politico* report Sunday cited those close to Mr. Bush as saying a Kasich endorsement was "unlikely." But an endorsement of Sen. Rubio might also be a stretch considering the pair's increasingly contentious relationship on the campaign trail in recent months.

Gov. Kasich landed several endorsements in recent days, including those from former Pennsylvania Gov. Tom Ridge, former Massachusetts Gov. Bill Weld, former Nevada GOP Chairwoman Amy Tarkanian, and Nevada Speaker John Hambrick. Also endorsing the governor are the *Waco Tribune-Herald* and the *Corpus Christie Caller Times* of Texas.

The Kasich campaign Sunday announced it has hired Mike Schrimpf, formerly chief communicator for Illinois Gov. Bruce Rauner, to oversee its communication outreach. Kerry Knott, former chief of staff to former U.S. Majority Leader Dick Armey has been hired as the campaign's senior policy adviser.

Coming Soon: GOP candidates will next focus on Nevada, where caucuses will be held on Tuesday. A CNN debate is scheduled for Thursday, though qualifying criteria have not yet been announced.

After Nevada is a key March 1 date, when nine states hold primaries and three states hold caucuses in the so called SEC Primary. Primaries will be held that day in Alabama, Arkansas, Georgia, Massachusetts, Oklahoma, Tennessee, Texas, Vermont and Virginia. Alaska, Colorado and Minnesota have caucuses on March 1.

The Kasich-backing super PAC New Day for America on Monday announced the rollout of its national political operation which will involve more than 50 staff members and 14 officers across 12 March primary states.

Targeted states include Alaska, Arkansas, Georgia, Vermont, Virginia, Kentucky, Maine, Hawaii, Michigan, Mississippi, Ohio and North Carolina.

"Our Super PAC's focus on the ground game is unique and, just as we did in New Hampshire, we fully expect our team to impact the race for the nomination," New Day spokeswoman Connie Wehrkamp said. "We are strategically placing our focus and resources where we can make the biggest impact and ensure John Kasich, the one Republican who can win in November, is our nominee."

In a Monday Emerson poll of Massachusetts, conducted Feb. 19-21 with a 5.7 percentage point margin of error, Gov. Kasich placed third at 13%, behind Mr. Trump at 50% and Sen. Rubio at 16%.

Politics Notebook: Kasich Draws Attention For 'Kitchen' Remark, Signs PP 'Defund' Bill; Poll Shows 74% Of Ohioans Support Medicinal Pot...

Remarks from Gov. John Kasich on women leaving their kitchens to campaign for him drew quick backlash Monday, one day after the governor signed a bill to "defund" Planned Parenthood in Ohio.

The governor made the remark during a town hall in Fairfax, Va., as he sought to explain how he was elected to the Ohio Senate in 1978.

"We just got an army of people and many women who left their kitchens to go out and go door to door and put yard signs up for me," he said according to video that first caught attention.

The initial video, posted by a YouTube account that has released a handful of previous anti-Kasich videos, did not show how Mr. Kasich concluded the remark.

Subsequent video of the full remark added context, showing that Gov. Kasich went on to say that campaign occurred "all the way back when things were different. Now you call homes and everybody's out working. But at that time, early days, it was an army of the women that really helped me get elected to the state Senate."

Twitter users quickly seized upon the statement, followed closely by national media outlets.

Kasich for America spokesman Chris Schrimpf responded to the outcry, saying in a statement that the governor's campaigns have "literally been run out of his friends' kitchens and many of his early campaign teams were made up of stay-at-home moms who believed deeply in the changes he wanted to bring to them and their families."

"That's real grassroots campaigning and he's proud of that authentic support," Mr. Schrimpf said. "To try and twist his comments into anything else is just desperate politics."

The Ohio Democratic Party subsequently painted the governor as out of touch, accusing him of giving *Mad Men* television character and womanizer "Don Draper a run for his money."

The remarks came one day after the governor signed a bill (HB 294) to eliminate \$1.3 million in state funding to Planned Parenthood. (See Gongwer Ohio Report, February 10, 2016)

The Planned Parenthood Action Fund said the bill will have "devastating consequences for women" across the state.

"John Kasich is proudly eliminating care for expectant mothers and newborns; leaving thousands without vital STD and HIV testing, slashing a program to fight domestic violence, and cutting access to essential, basic health care," President Cecile Richards said. "It's clear Kasich has no regard for women's health or lives and will stop at nothing to slash health care for millions."

Ohio Right to Life, in contrast, praised the bill's signing.

"Thanks to the pro-life leadership of Gov. Kasich and his work with Ohio Right to Life, Ohio's abortion industry is shrinking," ORTL President Mike Gonidakis said. "As Planned Parenthood haggles over the hearts and brains of aborted babies, Ohio Right to Life is marking history with legislation that is both ethically consistent and fiscally responsible."

Pot Amendment: A poll released Monday by Marijuana Policy Project showed nearly three-fourths of Ohio voters support amending the constitution to legalize medical marijuana for those with terminal or debilitating petitions.

The poll, conducted by Public Policy Polling, shows that 74% of voters support a proposed amendment, with 22% opposed, according to a news release.

"It's become pretty common knowledge that marijuana can be incredibly beneficial in the treatment of a variety of medical conditions," Mason Tvert, a spokesman for Ohioans for Medical Marijuana, a committee that has been formed to support MPP's forthcoming ballot initiative, said in a statement.

"It's not surprising that a vast majority of voters agree patients should be allowed to consume it if their doctors think it could be helpful. There are few laws still on the books that are as unpopular as those that prohibit sick and dying people from accessing medical marijuana."

According to the poll, 85% of self-identified Democrats and 69% of self-identified Republicans said they supported legalizing medical marijuana.

Ohioans for Medical Marijuana is drafting a ballot initiative and expects to start the petition process later this month, according to the release. Another pro-marijuana group has already suspended its petition efforts in favor of supporting the MPP-backed proposal. (See Gongwer Ohio Report, February 19, 2016)

"Ohio's current marijuana policy is antiquated and inhumane," Mr. Tvert said. "We hope to give voters an opportunity to change that this November. We're confident that most Ohioans will support a well-written initiative that gives seriously ill people the right to use medical marijuana if their doctors recommend it."

8th Congressional District: Sen. Bill Beagle (R-Tipp City) on Sunday announced he has earned the support of Butler County Sheriff Richard Jones and Montgomery County Sheriff Phil Plummer in the race to succeed former U.S. Rep. John Boehner.

Sen. Beagle is among more than a dozen GOP candidates vying for the seat in an upcoming special election. Sen. Beagle and Rep. Tim Derickson (R-Oxford) are the two most high-profile contenders.

U.S. Senate Race: A poll from the Democratic polling outfit PPP shows U.S. Sen. Rob Portman (R-Terrace Park) battling weak approval numbers.

The poll found the senator with a 30-39% approval rating, placing him "very much in the danger zone for reelection based on those low approval numbers," according to the group.

Former Gov. Ted Strickland and Cincinnati Councilman PG Sittenfeld are competing in the Democratic primary for the chance to unseat Sen. Portman.

Mr. Sittenfeld on Friday criticized Gov. Strickland for failing to show up to a Monday event at the Cleveland City Club where Mr. Sittenfeld had hoped the candidates would debate. Gov. Strickland has repeatedly rebuffed Mr. Sittenfeld's calls for debates, saying he'd prefer to focus on competing with Sen. Portman.

Court Briefs: High Court Sets Execution Date; Visiting Judge To Hear Case; Web Site On Judicial Candidates Updated

The state's high court has set an execution date for a man convicted of the 2004 killing a Toledo woman who lived who lived in the same apartment complex.

In a 5-2 decision issued with no opinion, the court set an Oct. 17, 2019 execution date for James Frazier.

Justice Paul Pfeifer issued a dissent in the case. He was joined by Justice Terrance O'Donnell.

"At this time, the state is incapable of properly executing the 25 people for whom execution dates have previously been set. It serves no rational purpose for this court to continue to set execution dates while significant logistical obstacles remain in place and more legal challenges are likely," Justice Pfeifer wrote.

In October, the state pushed its earliest execution date back to 2017 due to difficulty in obtaining the drugs used for the lethal injection procedure. (See Gongwer Ohio Report, October 20, 2015)

The state currently has 11 executions scheduled for 2017, eight scheduled for 2018 and six scheduled for 2019.

Bipartisan legislation has been introduced in the House that would end capital punishment in Ohio. (See Gongwer Ohio Report, October 27, 2015)

Web Site Updated: Continuing the effort of Chief Justice O'Connor to create a more informed electorate when it comes to the judiciary, judicialvotescount.org has been updated to provide voters with information about the candidates that will be on the ballot this year, the court reported.

A total of 145 judicial seats will be on the ballot this year, including three Ohio Supreme Court seats, 27 court of appeals seats and 115 common pleas court seats.

The web site provides biographical information on candidates and explanations on why they are running for a particular office, according to the court.

Ran by the Ray C. Bliss Institute of Applied Politics at the University of Akron, the web site was created in the wake of 2014 survey that found many Ohio voters do not vote in judicial elections due to a lack of knowledge about the candidates, the court reported.

According to the chief justice, on average, about 25% of voters who go to the polls do not cast ballots for judicial candidates. In Cuyahoga County in 2012, she said, about 40% of voters neglected to vote for judicial candidates. (See Gongwer Ohio Report, February 11, 2016)

Other partners in the non-profit web site include Chief Justice O'Connor, the League of Women Voters of Ohio, the Ohio State Bar Association, the Ohio Newspaper Association and the Ohio Association of Broadcasters.

Visiting Judge: Tenth District Court of Appeals Judge Elizabeth Schuster will hear oral arguments Tuesday in a lawyer malpractice case.

Judge Schuster will fill in for Chief Justice Maureen O'Connor, who recused herself in the case of *Ratonek v. Roetzel & Andress*.

At issue in the case is whether a Dayton law firm can be used for malpractice for failing to pursue claims that were not in the written agreement but were discussed between the law firm and the client and whether it can be sued for malpractice if it pursues a legal claim sought by the client, but withdraws it and advises the client to seek other counsel to pursue the claim or represent themselves, according to the court.

The case stems from a malpractice lawsuit a California woman filed against another law firm after she claimed it caused her to lose \$1 million in a real estate transaction. The Dayton law firm was originally hired to represent her in that case.

Capitol Scene: Chabria To Leave Gov's Office, Join ORP; Staff Changes Announced At Buckeye Institute, AICUO, HPIO

Jai Chabria, a key executive staff member for Gov. John Kasich, is leaving the governor's office to work for the Ohio Republican Party.

Mr. Chabria has served as senior advisor to Mr. Kasich since he took office in 2011. That job entailed vetting Mr. Kasich's appointments, among other things.

"I am enormously grateful to Jai for his many years of friendship, counsel and outstanding public service to me and the people of Ohio," Mr. Kasich said in a statement. "While it is difficult to see Jai move on, I know that great things lie ahead for him in this next phase of his career. I look forward to our continued deep friendship."

Mr. Chabria's last day with the governor's staff is Friday. The Powell resident's job at ORP was described by the party as "a senior position that will oversee the preparation and planning for the Republican National Convention in Cleveland in July."

"The world spotlight will be on Cleveland in July as our party nominates the next President of the United States. It's a tremendous and exciting opportunity for Ohio," ORP Chairman Matt Borges said. "Jai is a seasoned professional with top notch experience. We are pleased to have him join our team as we plan and prepare for the convention."

AICUO: Andrew Lampkins has joined the staff of the Association of Independent Colleges and Universities of Ohio as director of external relations, the group announced recently.

He previously served dual roles with the Center for Healthy Families as the director of outreach and engagement and with Lardon & Associates as a director of business development.

Mr. Lampkins' prior experience includes serving as the community & small business manager for Vermont Energy Investment Corporation. The Otterbein University graduate

will be responsible for AICUO's affiliate member program, inter-college collaborations, events and educational programming, and the expansion of the group's member energy conservation and sustainability initiative.

Buckeye Institute: Daniel J. Dew has joined the staff of the Buckeye Institute for Public Policy Solutions as a full-time Criminal Justice Fellow, the group announced.

A published author on criminal justice issues and a former Visiting Legal Fellow at The Heritage Foundation in Washington, D.C., Mr. Dew will focus on efforts to revise Ohio's criminal code and updating the state's civil asset forfeiture law, among other things, according to the institute.

"Daniel is a national expert on criminal law, and we are pleased to bring him on to expand Buckeye's capacity to formulate sound criminal justice policy for Ohio that can be easily replicated in other states," institute President and CEO Robert Alt said in a release.

HPIO Hire: Former state employee Rebecca Sustersic has been hired as a policy analyst with the Health Policy Institute of Ohio, the group announced recently.

Reem Aly and Amy Bush Stevens have been promoted to vice president and Sarah Bollig Dorn has been promoted to manager, Health Policy and Education, the group said.

Ms. Sustersic was previously employed at the Ohio Bureau of Workers' Compensation for three years, first as a health care policy analyst and more recently as manager of medical reimbursement and coding policy, according to HPIO. She holds degrees from Ohio State University and Bowling Green State University. Ms. Sustersic also served as a Legislative Service Commission fellow in 2009.

Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to gongwer@gongwer-oh.com.

Supplemental Agency Calendar

Tuesday, February 23

.....
Racing Commission, 77 South High St., Room 1960, Columbus, 10 a.m.

Thursday, February 25

.....
Ethics Commission, Rm. G, 3rd Fl., 30 E. Spring St., Columbus, 12 p.m.

Supplemental Event Planner

Tuesday, February 23

Quinnipiac University to release poll of Ohio likely voters on presidential primary
Ohio senators, faith leaders, others
news conference on ending "pregnancy discrimination", Press Conf. Rm., Statehouse,
Columbus, 11 a.m.

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Click the  after a bill number to create a saved search and email alert for that bill.

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